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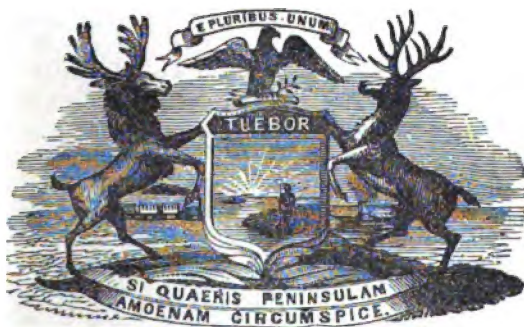
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ACTS
OF
THE LEGISLATURE
OF THE
STATE OF MICHIGAN,
PASSED AT THE
REGULAR SESSION OF 1869.

VOL. I.



BY AUTHORITY.

LANSING:
W. S. GEORGE & CO., PRINTERS TO THE STATE.
1869.

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LAWS OF MICHIGAN.

[No. 1.]

AN ACT to designate the time, and provide the manner of electing United States Senators.

SECTION 1. *The People of the State of Michigan enact,* That the Legislature which shall be chosen next preceding the expiration of the time for which any Senator was elected to represent this State in the Congress of the United States, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress, in the place of such Senator so going out of office, in the following manner: Each House shall openly, by a *viva voce* vote of each member present, name one person for Senator in Congress; and the name of the person so voted for, who shall have a majority of the whole number of votes cast in each House, shall be entered on the journal of each House by the clerk or secretary thereof; but if either House shall fail to give such majority to any person on such day, that fact shall be entered on the journal. At twelve o'clock, meridian, of the day following that on which proceedings are required to take place as aforesaid, the members of the two Houses shall convene in joint convention, and the journal of each House shall then be read; and if the same person shall have received a majority of all the votes in each House, such person shall be declared duly elected a Senator to represent this State in the Congress of the United States; but if the same person shall not have received a majority of the votes in each House, or if either House shall have failed to take proceedings

Time of electing.

Each House to name a candidate.

Entries to be made on journals.

Joint convention.

Journals to be read.

A majority vote in each House to elect.

as required by this act, the joint convention shall then proceed to choose, by a *viva voce* vote of each member present, a person for the purpose aforesaid; and the person having a majority of all the votes of the said joint convention, a majority of all the members elected to both Houses being present and voting, shall be declared duly elected; and in case no person shall receive such majority on the first day, the joint convention shall meet at twelve o'clock, meridian, of each succeeding day during the session of the Legislature, and take at least one vote, until a Senator shall be elected.

Vacancies;
how filled.

Sec. 2. Whenever, on the meeting of the Legislature, a vacancy shall exist in the representation of this State in the Senate of the United States, the Legislature shall proceed, on the second Tuesday after the commencement and organization of its session, to elect a person to fill such vacancy, in the manner hereinbefore provided for the election of a Senator for a full term; and if a vacancy shall happen during the session of the Legislature, then, on the second Tuesday after the Legislature shall have been organized, and shall have notice of such vacancy, the Legislature shall proceed to elect as aforesaid.

Governor to
certify elec-
tion.

Sec. 3. It shall be the duty of the Governor, upon the election of a Senator as herein provided, to certify his election to the President of the United States, which certificate shall be countersigned by the Secretary of State, under the seal of the State.

Acts re-
pealed.

Sec. 4. All acts or parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 5. This act shall take immediate effect.

Approved January 18, 1869.

[No. 2.]

AN ACT to provide for the payment of the officers and members of the Legislature, for the year eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact, That* there be and hereby is appropriated out of any money in the treasury to the credit of the general fund, a sum not exceeding forty thousand dollars, for the payment of the officers and members of the Legislature for the present session. Appropriation.

Sec. 2. The compensation of the President and members of the Senate, and of the Speaker and members of the House of Representatives, shall be three dollars per day each for actual attendance and when absent on account of sickness during the present session of the Legislature, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route; and to the members of the Senate and House of Representatives from the Upper Peninsula, two dollars per day each, additional, during this session of the Legislature. Each member of the Senate and of the House of Representatives, shall be entitled to receive five dollars for stationery and newspapers. The compensation of the Secretary, Engrossing and Enrolling Clerk, and Sergeant-at-Arms of the Senate, and their authorized Assistants, and of the Clerk, and Engrossing and Enrolling Clerk, and Sergeant-at-Arms of the House of Representatives, and their authorized Assistants, and of the clerks employed with the consent of the Senate or House of Representatives by any of the standing or special committees of either of said Houses, shall be three dollars a day each, for actual attendance during the session, and ten cents for every mile actually traveled in going to and returning from the place of meeting, on the usually traveled route. The compensation of the firemen of the Senate and House of Representatives, and their authorized assistants, and keeper of the cloak room, and of the postmaster of the Legislature, shall be three dollars per day; and that of the messenger boys, two

Per diem of members.
Mileage.
Additional to members for Upper Peninsula.
Stationery.
Compensation of Secretary, Enrolling Clerk, Sergeant-at-Arms, Assistants, Clerk of House, etc.
Mileage.
Firemen, etc.

dollars per day for the time actually employed in attendance during the session.

Certificate of
dues, by
whom paid.

Sec. 3. Such sums as may be due under the provisions of this act to the Secretary of the Senate, and the Clerk of the House of Representatives, shall be certified by the presiding officers of the respective Houses, and countersigned by the Auditor General; and such sums as may be due the President of the Senate, and Speaker of the House of Representatives, shall be certified by the Secretary or Clerk of the respective Houses, and countersigned by the Auditor General; and such sums as may be due to the members and other officers of either House shall be certified by the Secretary or Clerk, and countersigned by the presiding officer of the respective Houses; and the State Treasurer, upon the presentation of any such certificate, countersigned as provided in this section, is hereby authorized and directed to pay the same.

Sec. 4. This act shall take immediate effect.

Approved January 20, 1869.

[No. 3.]

AN ACT to amend section one, of chapter ninety-seven, of the revised statutes of eighteen hundred and forty-six, being section four thousand one hundred and seven of the compiled laws, relative to testing process from courts of record.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section one, of chapter ninety-seven, of the revised statutes of eighteen hundred and forty-six, being section four thousand one hundred and seven of the compiled laws, be and the same is hereby amended so as to read as follows:

Style of all
process; how
tested.

(4107.) SECTION 1. The style of all process from courts of record in this State shall be "In the name of the People of the State of Michigan," and such process shall be tested in the name of the chief justice, or presiding justice or judge, or one of the judges of the court from which the same shall issue, be

sealed with the seal of the court, and, before the delivery thereof To be sealed and endorsed.
 to any officer to be executed, shall be subscribed or endorsed
 with the name of the attorney, solicitor, or other officer by
 whom the same shall be issued: *Provided*, That in case of va- Proviso.
 cancy in the office of chief justice, or presiding justice, or judge
 of the court from which such process issues, the same may be
 tested in the name of the chief justice, or one of the associate
 justices of the Supreme Court of the State of Michigan.

Sec. 2. That this act shall take immediate effect.

Approved January 23, 1869.

[No. 4.]

AN ACT to provide for the registration of electors in new townships.

SECTION 1. *The People of the State of Michigan enact*, That the Inspectors of election to constitute a board of registration.
 persons named in the act erecting any new township, as inspec-
 tors of election, whether passed by the Legislature of this
 State, or the board of supervisors of the proper county, shall
 constitute a board of registration for such new township, until
 such officers are elected and qualified, as provided by law.

Sec. 2. Such inspectors shall meet in the capacity of such Meeting of board.
 board of registration, on the Saturday next preceding the first
 township meeting in such new township, at the place mentioned
 in the act providing for the organization thereof, for holding
 such first township meeting, and shall be governed, in all Act of 1869 to govern action.
 respects, by the provisions of act number 177, of session laws of
 1859, which pertain to registration of electors in townships, as
 far as the same are applicable, except as is hereinafter provided.

Sec. 3. The name of any person may be registered at such Who may register.
 first township meeting, who shall make due proof, by his own
 oath, before the board of inspectors of such meeting, that he
 is possessed of the qualifications of an elector in such new
 township, under existing laws, other than that requiring
 registration.

Election of
chairman
and clerk.

Sec. 4. The members of such board of registration hereby created, shall elect one of their number chairman, and another clerk of said board, who shall respectively possess the same powers, and perform the same duties which belong to and devolve upon the supervisor and township clerk, while acting on a board of registration in an organized township, as now provided by law.

Powers and
duties of.

Vacancies on
board; how
filled.

Sec. 5. In case one or more of the persons appointed as such inspectors of election, hereinbefore mentioned shall, from any cause, fail to appear at the place specified for the holding of such first township meeting, to form a board of registration, as herein provided, such vacancy or vacancies on said board, shall be filled from among the electors, by a majority vote of the electors present at the hour appointed for opening the session of said board.

Notice of
meeting;
how given.

Sec. 6. It shall be the duty of such board of inspectors, or the surviving member or members thereof, in case of the decease or removal of one or more of the same, to give public notice of such meeting, for the purpose aforesaid, by causing a written or printed notice, which shall state the object of such meeting, the time when, and the place where the same is to be held, to be posted in five of the most public places in such new township, at least fifteen days previous to the time of holding said meeting.

Sec. 7. This act shall take immediate effect.

Approved January 27, 1869.

[No. 5.]

AN ACT for the protection of buoys and beacons.

Mooring ves-
sel to buoys
or beacons,
prohibited.

SECTION 1. *The People of the State of Michigan enact, That* any person mooring any vessel to any of the buoys or beacons placed in any of the waters of the State, by the authority of the United States Light House Board, or in any manner hanging on with a boat or vessel to any such buoy or beacon, shall

be deemed guilty of a misdemeanor, and on conviction thereof, shall be punishable by a fine not exceeding fifty dollars, and imprisonment in the county jail not exceeding thirty days; and any person who shall willfully remove or destroy any such buoy or beacon shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punishable by a fine not exceeding two hundred and fifty dollars, nor less than fifty dollars, and imprisonment in the county jail not exceeding ninety days.

Penalties
therefor.

Penalty for
removing or
destroying.

Sec. 2. It shall be the duty of the prosecuting attorney of the county in which such buoy or beacon shall be situated, to proceed, in the name of the people, against any person violating the preceding section of this act, when notified in writing of such violation, by any officer of the United States light-house service.

Duty of Prosecuting
Attorney.

Approved January 30, 1869.

[No. 6.]

AN ACT authorizing circuit courts in chancery, in the county of Wayne, to refer causes pending in chancery, to special commissioners.

SECTION 1. *The People of the State of Michigan enact, That* the circuit court for the county of Wayne, in chancery, may, by an order of said court, refer any cause pending in chancery in said county, either before or after any interlocutory, or final decree has been granted therein, to any attorney and counselor at law residing in said county, as a special commissioner in such cause; and upon such reference, said special commissioner shall be fully authorized and empowered to do and perform all duties and acts specified in said order of reference, in the same manner, and with like effect, as if he were a circuit court commissioner of said county; and such special commissioner shall have the same power to compel the attendance of parties and witnesses before him, as circuit court commissioners have under the laws of this State.

Causes pending may be referred by order of court.

Special commissioner granted same power as a circuit court com'r.

Fees.

Sec. 2. Such special commissioner shall receive for his services, such fees as are allowed by law to circuit court commissioners for like services, or such compensation as may be agreed upon between such special commissioner and all the parties to said cause, or their solicitors.

Sec. 3. This act shall take effect immediately.

Approved January 30, 1869.

[No. 7.]

AN ACT to amend section two of an act entitled "An act to define the limits, jurisdiction and powers of circuit courts," approved April eighth, one thousand eight hundred and fifty-one, being section thirty-four hundred and twelve of the compiled laws, relative to the holding of terms of court by circuit judges.

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section two of an act entitled "An act to define the limits, jurisdiction and powers of circuit courts," approved April eighth, one thousand eight hundred and fifty-one, being section thirty-four hundred and twelve of the compiled laws, relative to the holding of terms of court by circuit judges, be and the same is hereby amended so as to read as follows:

Terms of court.

Sec. 2. The circuit judges of the several circuits, respectively, shall annually hold two or more terms of the circuit court in each of the counties included within their respective circuits; and in counties containing seven thousand inhabitants and upwards, not less than three terms shall be held in each year; and in counties containing ten thousand inhabitants or upwards, four terms of said court shall be held in each year. The number of inhabitants in each county having less than ten thousand inhabitants, according to the last census report, shall be ascertained by a computation, to be made by the county clerk, at the rate of five inhabitants to each vote cast at the last biennial election, as appears from the returns in his office; and a new computation of inhabitants shall be made in the same

Terms in counties containing 7,000 inhabitants. Containing 10,000 inhabitants. County clerks to make computation of inhabitants when less than 10,000.

Computation, when to be made.

manner by the county clerk of each county having less than ten thousand inhabitants at the last computation, within twenty days after each subsequent biennial election. It shall also be the duty of such county clerks, within ten days after each computation of inhabitants made by them, to certify the number of inhabitants so computed, to the circuit judge of the proper circuit.

Further duty
of county
clerk.

Sec. 3. This act shall take immediate effect.

Approved January 30, 1869.

[No. 8.]

AN ACT to repeal section one, of chapter one hundred and three, of the revised statutes of eighteen hundred and forty-six, and to amend section two of the same chapter, being sections forty-three hundred and forty-three and forty-three hundred and forty-four, of the compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* section one, of chapter one hundred and three, of the revised statutes of eighteen hundred and forty-six, being section forty-three hundred and forty-three, of the compiled laws, be and the same hereby is repealed.

Section
repealed.

Sec. 2. That section two of said chapter be amended so as to read as follows:

Section
amended.

Sec. 2. Issues of fact shall be tried in the proper county, as follows:

Issues of
fact; where
tried.

1. Actions for the recovery of any real estate, or for the recovery of the possession of real estate; actions for trespass on land, and actions of trespass on the case, for injuries to real estate, shall be tried in the county where the subject of the action shall be situated.

2. Actions of slander, for libels, and all other actions for wrongs, and upon contracts, shall be tried in the county where one of the parties shall reside at the time of commencing such action, unless the court shall deem it necessary for the convenience of parties and their witnesses, or the purposes of a

fair and impartial trial, to order any such issues to be tried in some other county; in which case the same shall be tried in the county so designated.

Approved January 30, 1869.

[No. 9.]

AN ACT to amend chapter one hundred and twenty-three, of revised statutes of eighteen hundred and forty-six, being chapter one hundred and fifty of compiled laws, "of proceedings to recover the possession of lands," by adding two new sections thereto, to stand as sections twenty-eight and twenty-nine.

Sections
added.

SECTION 1. *The People of the State of Michigan enact*, That chapter one hundred and twenty-three, of the revised statutes of eighteen hundred and forty-six, being chapter one hundred and fifty, of compiled laws, "of proceedings to recover the possession of lands," be amended by adding two new sections thereto, to stand as sections twenty-eight and twenty-nine, and to read as follows:

Removal of
judgment by
writ of cer-
tiorari; time
and manner;
return.

Sec. 28. In all cases of judgment rendered in any cause under the provisions of this chapter, either party may remove such judgment by writ of *certiorari*, into the circuit court for the county in which the judgment was rendered, within the same time and in the same manner, and a return may be compelled, and the same proceedings shall be thereupon had, as near as may be, as in cases of a *certiorari* to a justice of the peace, as provided for in chapter one hundred and seventeen of the compiled laws.

When bond
shall be giv-
en before
certiorari is
allowed.

Sec. 29. That after the rendition of judgment against the defendant in any suit under the provisions of this chapter, no *certiorari* shall be allowed, unless he shall make and execute to the complainant, a bond, the penalty to be fixed by the officer allowing the *certiorari*, not less than twice the amount of the annual rent of the premises in dispute, with good and sufficient sureties, who shall justify, and also be approved by said officer,

conditioned that if the complainant obtain restitution of said premises in said suit, the said defendant will forthwith pay all the rent due, or to become due the complainant, up to the time said complainant shall obtain possession thereof, together with costs of suit in prosecuting said complaint, and obtaining restitution of said premises, which bond shall be delivered to said complainant, or his agent or attorney; and if the complainant obtain restitution of said premises, he may, at his election, sue and recover on said bond, or bring his action against the defendant, under section twenty-four of this chapter.

Approved January 30, 1869.

[No. 10.]

AN ACT to amend act number two hundred and twenty-seven, of the session laws of eighteen hundred and sixty-three, entitled "An act to amend sections one, two, four, five, six, and nine, of the revised statutes of eighteen hundred and forty-six, being sections five thousand three hundred and fifty, five thousand three hundred and fifty-one, five thousand three hundred and fifty-three, five thousand three hundred and fifty-four, five thousand three hundred and fifty-five, and five thousand three hundred and fifty-eight, of the compiled laws, touching the limitation of actions relating to real property."

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section nine, of chapter one hundred and thirty-nine, of the revised statutes of eighteen hundred and forty-six, being section five thousand three hundred and fifty-eight of the compiled laws, as amended by act number two hundred and twenty-seven, of the session laws of eighteen hundred and sixty-three, be and hereby is amended so that said section shall read as follows:

(5358.) Sec. 9. When the right of action or entry shall have Rights accrued before amendments become law.
 accrued before the time when these amendments shall take effect as law, the same shall not be affected by these amendments; but all such actions and rights shall be governed and

determined according to the law under which the right accrued, in respect to the limitations of such actions or right of entry.

Approved January 30, 1869.

[No. 11.]

AN ACT relating to interest upon installments falling due upon written contracts.

Interest may
be collected
on interest
due and un-
paid.

SECTION 1. *The People of the State of Michigan enact, That* when any installment of interest upon any note, bond, mortgage, or other written contract, shall have become due, and the same shall remain unpaid, interest may be computed and collected on any such installment so due and unpaid, from the time at which it became due, at the same rate as specified in any such note, bond, mortgage, or other written contract, not exceeding ten per cent.; and if no rate of interest be specified in such instrument, then at the rate of seven per centum per annum.

Approved February 19, 1869.

[No. 12.]

AN ACT to authorize and encourage the formation of corporations to establish rural cemeteries, and provide for the care and maintenance thereof.

Number of
corporators.

Purpose of
incorporat-
ing.

SECTION 1. *The People of the State of Michigan enact, That* any number of persons not less than ten, who shall, by articles of agreement in writing, associate themselves according to the provisions of this act, under any name assumed by them, for the purpose of purchasing land for a cemetery in this State, and for fencing, laying out, improving, maintaining and establishing the same, and who shall comply with sections two and three of this act, shall, with their successors and assigns, constitute a body politic or corporate, under the name assumed by

them in their articles of association: *Provided, however,* That Provided.
no two corporations shall assume the same name.

Sec. 2. The articles of agreement of every such association Articles must be signed, acknowledged and state—
shall be signed by the persons associating in the first instance,
and acknowledged before some person authorized by the laws
of this State to take the acknowledgment of deeds, and shall
state—

1st. The amount of land which it is proposed to purchase Amount of land to be purchased, and situation.
for such cemetery, and the town and county in which it is
situated.

2d. The amount of capital which it is estimated will be Amount of estimated capital.
required to make such purchase, and to fence and improve the
grounds, and the number of shares into which the same shall
be divided.

3d. The name by which such corporation shall be known. Name.

4th. The number of persons who shall constitute the board Number of directors.
of directors, being not less than five, nor more than thirteen.

5th. The names of those who shall constitute the first board Names of directors and treasurer.
of directors, and the name of the first treasurer.

6th. The names of the subscribers to the articles of associa- Names of subscribers.
tion, and the number of shares subscribed by each, towards the
required capital.

7th. The term of duration of such corporation, which shall Term of duration.
not exceed thirty years.

Sec. 3. The subscribers to such articles of association shall, Subscribers each to pay 20 per cent. of amount subscribed.
at the time of subscription thereto, severally pay to the treas-
urer named therein, at least twenty per cent. of the amount
subscribed by each, and when the whole amount of capital
mentioned in said articles shall be subscribed, and said portion
thereof actually paid in, the directors shall cause a copy of Articles filed with county clerk.
their articles of association, together with an affidavit of such
treasurer, that twenty per cent. of the amount of capital
subscribed has actually been paid in, to be filed in the office of
the county clerk of the county in which such association is
formed: *Provided,* That no person shall be permitted to sub- Provided.
scribe to exceed one-tenth of the capital of such association,

and no person shall hold, own, or represent scrip to exceed one-tenth of the capital thereof.

Annual
meetings.

Election of
board of
directors.

Owners of
scrip allowed
one vote for
each \$100
owned.

Special
meetings.

Choice of
officers.

Powers of
board of
directors—

To purchase
land.

Levy assess-
ments.

Cause plans
to be made.

Sec. 4. The annual meeting of every such corporation shall be held on the second Monday of May in each year, unless some other day shall be fixed by the by-laws thereof, and in such case, it shall be held upon the day so fixed. Such meeting shall elect a board of directors, who shall serve for the ensuing year, and until their successors shall be chosen, and transact such other business, relating to the business of the corporation, as may properly come before it. At such meeting the owners of scrip, hereinafter provided for, shall have the right to vote, either in person or by proxy, in proportion to the amount of scrip held by them respectively, each owner thereof being entitled to one vote for each hundred dollars of scrip. Special meetings of any such corporation may be provided for by the by-laws thereof, and shall be held when called in accordance with such provision.

Sec. 5. It shall be the duty of said board of directors to choose from their own number a president and vice president, and also to elect suitable persons as treasurer and secretary of such corporation, and from time to time to appoint a superintendent and such other subordinate officers as may be required by the by-laws.

Sec. 6. The board of directors shall have the general management of such corporation, and shall have the power—

To purchase land for the use of such association, but for no other purpose, and not exceeding in all three hundred acres;

To levy assessments upon the subscribers to the articles of association, not exceeding the amount severally subscribed by them, payable at such times as the directors shall determine, and to enforce the collection thereof, either by suit or forfeiture;

To cause to be prepared a plan or design for laying out such lands so purchased by them for cemetery purposes; and when such plan or design is adopted by them, it shall be their duty to cause the same to be recorded in a book to be kept by them

for that purpose; and it shall not thereafter be altered or modified, unless by a two-thirds vote of all the directors, after a special notice of such proposed change shall have been given, and after said proposition shall have been submitted in writing to the board at a meeting thereof, to be held prior to the one at which the vote upon such proposed change shall be taken: *Provided*, That no such alteration shall be made which shall interfere with rights of burial already granted;

To dispose of rights of burial, fix the prices thereof, make conditions in relation to burials within the cemetery grounds, and guarantee to grantees of burial rights the care and preservation of the grounds; Dispose of rights of burial.

To establish such rules and regulations for the control and management of the grounds, and all matters and things incident thereto, as they shall deem for the best interests of the corporation; Establish rules.

To sell any part or portion of the lands owned by such corporation, in case the same shall not be occupied or required for burial purposes, or for the uses of such cemetery; Dispose of lands.

To invest the moneys received from the sale of burial rights, and to prescribe, from time to time, the interest or dividends which shall be paid to holders of the scrip of such corporation, subject to the restrictions hereinafter named. Investments received.

Sec. 7. It shall be the duty of such board of directors to preserve good order in the grounds of such cemetery; to provide for the laying out and embellishing of the same, and to see that they are well kept and in good condition; Further duties of board of directors.

When the payments for land purchased shall have been fully made, to reserve at least two-thirds of all the receipts of such corporation which shall be derived from the sale of burial rights, after the payment of the current expenses, for interest, improvements and embellishing, until the aggregate amount thereof shall, in the opinion of said board, be sufficient to constitute a permanent fund, which, when invested, shall produce an income large enough to meet the expense of keeping the grounds of such cemetery perpetually in good condition, after To apply two-thirds of receipts for improvements.

the same shall have once been properly laid out, improved and embellished, according to the plan thereof;

To invest receipts.

To invest the receipts, to be reserved as aforesaid, in the bonds of the United States, or of the State of Michigan, or of municipal corporations of this State, and to use the income thereof only for the purposes aforesaid;

Issue scrip.

To cause to be issued scrip, or certificates, to each subscriber to the articles of the association, which certificates shall specify the amount paid in to the capital stock by such subscriber. Such scrip shall be personal property, and transferable by the holder thereof, under such regulations as the board of directors may adopt: *Provided*, That no person shall hold, own, or represent, at any one time, the scrip of said association to exceed one-tenth of the capital thereof;

Proviso.

Make annual report.

To make a report to the annual meeting, of the condition of the association, and its receipts and disbursements for the previous year.

Lands exempt from taxation.

Sec. 8. All the lands of said corporation enclosed and set apart for cemetery purposes, and all rights of burial therein, shall be wholly exempt from taxation of any kind whatsoever.

No mortgage shall be executed upon lands.

Sec. 9. No mortgage, or other lien or incumbrance, shall be executed upon any of the lands of such corporation, actually used for burial purposes, and no rights of burial upon any mortgaged lands of such corporation shall at any time be granted or sold by it.

Streets, etc., shall not be opened without assent of board.

Sec. 10. No streets, highways, railways, sewers or canals shall be opened or constructed through the grounds of such corporation, without the assent of the board of directors, granted at a meeting of such board, called for the purpose of considering the propriety of granting such assent.

Saloons, etc., prohibited.

Sec. 11. After any such corporation shall have been formed, and their cemetery site shall have been purchased, no saloon or place of entertainment shall thereafter be set up or established for the sale of intoxicating drinks, and no sporting festival shall be held within one-fourth of a mile of the entrance to the grounds of such corporation.

Sec. 12. All grants of rights of burial made by such corporation shall be transferable only upon compliance with such conditions in reference thereto, as shall be prescribed by the board of directors.

Board of directors to prescribe terms of transfer of rights.

Sec. 13. The superintendent, landscape gardener, overseer and watchman, in any cemetery belonging to any corporation formed under this act, shall have the power to summarily arrest any person or persons who shall commit any crime, misdemeanor or depredation, or be guilty of any disorderly conduct upon the grounds of such corporation. Upon any arrest being made by any of said officers or employes of such corporation, it shall be the duty of the one making such arrest to convey the arrested party to a justice of the peace, or other magistrate of the town in which such cemetery is situated, and make complaint to such magistrate, under oath, as to the nature of the offense committed; and thereupon, if the offense charged is cognizable by a justice of the peace, under the general laws of the State, such justice or other magistrate shall try such person charged with committing said offense; and upon the conviction of such person, shall render judgment, and inflict such punishment upon such offender, either by fine or imprisonment, or both, as the nature of the case may require, together with the costs of prosecution, as the justice of the peace shall order; but such punishment shall, in no case, exceed the limits fixed by law for the offense charged. In case the offense charged shall not be cognizable by a justice of the peace, under the general laws of this State, then such justice or other magistrate shall examine the accused person, and the proceedings upon such examination shall be such as are prescribed by chapter 194, of the compiled laws of this State.

Powers of superintendent, gardener, overseer and watchman to make arrests.

Offender to be conveyed before a justice, for trial.

Punishment.

Proceeding when offense is not cognizable by such justice.

Sec. 14. No person shall use fire-arms upon the grounds of any cemetery owned and enclosed by any such corporation, nor hunt game therein. No person shall enter into such enclosed cemetery by climbing or leaping over or through any fence or wall around the same, nor direct or cause any animal to enter

Use of fire-arms prohibited.

Penalty for
violating
this act.

therein in any such manner. Any person offending against any of the provisions of this section, shall be punished by a fine not exceeding fifty dollars, or by imprisonment not exceeding three months, or by both, in the discretion of the court. All complaints for violating the above provisions, shall be cognizable by any justice of the peace of the town in which the offense is committed.

Complaints;
by whom
cognizable.

Acts re-
pealed.

Sec. 15. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Sec. 16. This act shall take immediate effect.

Approved February 19, 1869.

[No. 13.]

AN ACT to require all State boards to make annual reports.

State boards
required to
report.

SECTION 1. *The People of the State of Michigan enact, That all State boards, as now constituted or authorized, or that shall be hereafter constituted or authorized by any law of this State, shall make annual reports of their acts and proceedings, up to and including the thirtieth day of November in each year, and deliver such report to the Secretary of State.*

Secretary of
State to pub-
lish same.

Sec. 2. It shall be the duty of the Secretary of State to file and preserve such reports in his office, and to cause a sufficient number of copies to be published, so as to furnish the Governor, and all other State officers, and members of the Legislature with one copy of each report: *Provided, That the Governor shall have power to require reports in writing from either of the State boards, or of any State officer, at any time when, in his opinion, the public good may require it.*

Governor
empowered
to require
reports.

Approved February 19, 1869.

[No. 14.]

AN ACT to amend an act entitled "An act to extend aid to the University of Michigan."

SECTION 1. *The People of the State of Michigan enact, That* ^{Act amended.} act number fifty-nine, of the session laws of eighteen hundred and sixty-seven, entitled "An act to extend aid to the University of Michigan," approved March fifteenth, eighteen hundred and sixty-seven, be and the same is hereby amended so as to read as follows:

SECTION. 1. *The People of the State of Michigan enact, That* ^{Appropriation.} there shall be appropriated out of the State treasury for the year eighteen hundred and sixty-nine, and for each year thereafter, for the aid and maintenance of the University of Michigan, the sum of fifteen thousand dollars, to be paid by the State Treasurer to the treasurer of the Board of Regents of the University, in like manner as the interest on the University fund is paid the said treasurer of said board; and it is also ^{How, and to whom paid} provided that the fund already accumulated under the provisions of act number fifty-nine, of the session laws of 1867, shall in like manner be handed over to the said treasurer of said Board of Regents of the University. ^{Fund already accumulated to be paid.}

Sec. 2. The amount of fifteen thousand dollars for the year eighteen hundred and sixty-nine, and each subsequent year ^{Special tax authorized,} thereafter, shall be levied, assessed and collected, as a special tax to provide for the aid to the University provided in this act, at the same time, and in the same manner as other State taxes are levied, assessed and collected.

Sec. 3. This act shall take immediate effect.

Approved February 24, 1869.

[No. 15.]

AN ACT to amend sections one, two, and eleven, of act number one hundred and nineteen, of the session laws of eighteen hundred and sixty-seven, entitled "An act to authorize the Governor of the State of Michigan to seize lands, to be used by the United States for light-house purposes," approved March twenty-seventh, eighteen hundred and sixty-seven, and to add two new sections thereto, to stand as sections thirteen and fourteen of said act.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, two and eleven, of act number one hundred and nineteen, of the session laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven, be and the same are hereby amended, so that said sections when amended shall read as follows:

Governor
authorized to
seize and
convey lands
for light-
houses.

SECTION 1. *The People of the State of Michigan enact*, That the Governor of the State of Michigan is hereby authorized and empowered to seize and take possession of any land, for the purpose of conveying the same to the United States for the erection and maintenance of light-houses thereon, not exceeding one hundred and sixty acres for any one light-house, whenever the General Government shall signify its intention to erect and maintain such light-house or houses, by an application to the Governor, accompanied by a plat and description of each site required, as near as the same can be platted and described without actual survey by the General Government.

Governor to
appoint com-
missioners
to take pos-
session.

Sec. 2. Whenever any such application shall be made to the Governor he shall appoint three commissioners, whose duty it shall be, in the name of the State of Michigan, to enter upon and take possession of any land so platted and described, not exceeding one hundred and sixty acres for any one light-house, to be erected and maintained within said State, for the purpose of conveying such land to the United States, for the erection and maintenance of light-houses thereon, and to cause the same to be surveyed, and a plat thereof to be made and filed in the office of the Secretary of State whenever an actual survey has not been made by the General Government.

Limit of
acres.

When sur-
vey to be
made and
filed with
Secretary of
State.

Sec. 11. The commissioners appointed under the provisions of this act shall each receive three dollars per day for each day actually engaged in the service required of them, and their actual expense of travel and subsistence while so engaged; and witnesses required to attend before them shall receive the same per diem and mileage as now allowed by law for witnesses attending the circuit court of the State.

Sec. 2. There shall be added to said act, two new sections, to stand as sections thirteen and fourteen, to read as follows:

Sec. 13. The jurisdiction of this State is hereby ceded to the United States of America over all such pieces or parcels of land as shall be hereafter selected or acquired by the United States, for the purpose of erecting light-house buildings thereon: *Provided*, That an accurate description and plat of such parcels of land to be so selected, with a statement of such selection by the United States, shall be filed by the United States with the Governor of this State: *And provided further*, That this cession is upon the express condition that the State of Michigan shall so far retain a concurrent jurisdiction with the United States, in and over the tracts of land aforesaid, that all civil and criminal process issued under the authority of this State, or any officer thereof, may be executed on said lands, and in the buildings that may be erected thereon, in the same way and manner, as if jurisdiction had not been ceded, as aforesaid.

Sec. 14. The lands aforesaid, when so ceded, shall forever be exempt from all taxes and assessments, so long as the same shall remain the property of the United States.

Approved February 24, 1869.

[No. 16.]

AN ACT to provide for the incorporation of the "Father Matthew Total Abstinence Benevolent Societies."

SECTION 1. *The People of the State of Michigan enact*, That any society of the "Father Matthew Total Abstinence Benevolent

Societies," of the State of Michigan, may be incorporated in pursuance of the provisions of this act.

Number of
corporators.

Sec. 2. Any ten or more persons, residents of this State, and members of any society of the "Father Matthew Total Abstinence Benevolent Society," of the State of Michigan, desirous to become incorporated, may, on the consent of said society, make and execute articles of association under their hands and seals, which said articles of association shall be acknowledged before some officer of this State having authority to take acknowledgments of deeds, and shall set forth:

Articles;
how executed
and what
to set forth.

First. The names of the persons associating in the first instance, and their places of residence.

Second. The name and location of the society of which they are members.

Third. The corporate name by which such association shall be known in the law.

Fourth. The object and purposes of such association, which shall be to promote the general welfare of the fraternity known as the "Father Matthew Total Abstinence Benevolent Society," and the period for which it is incorporated, not exceeding thirty years.

Articles,
where filed
and recorded

Sec. 3 A copy of said articles of association, together with a copy of the charter or constitution, of which the persons executing said articles are members, shall be filed and recorded in the office of the Secretary of State, and a duplicate of said articles shall be filed with the county clerk of the county in which such corporation shall be formed and located, and shall be recorded at length by such clerk in a book to be kept in his office for that purpose; and thereupon the persons who shall have signed such articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association; and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, take, receive, hold and enjoy to them and to their successors, estates, real and personal, of

Body politic
and corporate.

ming and being sued; and they and their successors may have a common seal, which may be changed and altered at their pleasure: *Provided*, That the value of their real and personal ^{Property} estate shall not exceed the sum of fifty thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise, and dispose of said real and personal estate, or any part thereof, at their will and pleasure, and the proceeds, rents and increase shall be devoted exclusively to the charitable and benevolent purposes of the "Father Matthew Total Abstinence Benevolent Society." Said corporation shall have full power and authority to make and establish rules, regulations, and by-laws for regulating and governing all the affairs and business of said corporation, not contrary to the laws of this State and the United States, and to designate, elect or appoint, from among their members, such officers, under such names and style as shall be in accordance with the constitution or charter of said society, who shall have the supervision, control, and management of the affairs of said corporation.

Sec. 4. A copy of the record of such articles of association, ^{Effect of} under the seal of the county clerk where the said record is kept, ^{copy of} and duly certified to by him, shall be received as *prima facie* ^{record.} evidence in all the courts of this State, of the existence and due incorporation of such corporation.

Sec. 5. Any corporation formed in pursuance of this act may ^{May erect} erect and own such suitable edifices, building, or hall as such ^{buildings for} corporation shall deem proper, with convenient rooms for the ^{meetings.} meeting of the fraternity of Father Matthew Total Abstinence Benevolent Society, and for that purpose may create a capital stock of not more than fifty thousand dollars, to be divided into shares of not more than fifty dollars each; and any such corporation may take, purchase, hold and own a suitable lot or ^{May own} parcel of ground as may be convenient for the purpose of a ^{land for cem-} cemetery, and may make all lawful and needful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper.

Corporations
subject to
laws of this
State.

Sec. 6. All corporations formed under the provisions of this act shall be subject to the provisions of chapter 73, of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

Sec. 7. This act shall take immediate effect.

Approved February 24, 1869.

[No. 17.]

AN ACT to amend section two, of chapter forty-two, of the compiled laws, relative to disorderly persons.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section 1551, of the compiled laws of the State of Michigan, be amended so as to read as follows:

Apprehen-
sion of of-
fenders and
security for
good be-
havior.

(1551.) Sec. 2. Upon complaint made on oath to any justice of the peace, against any person as being disorderly, he shall issue his warrant for the apprehension of the offender, and cause him to be brought before such justice for examination; and if it shall appear by the confession of the offender, or by competent testimony, that he is a disorderly person, the justice may require of the offender a recognizance, with sufficient sureties, for his good behavior for the term of not less than sixty-five days, nor more than one year thereafter.

Sec. 2. This act is to take immediate effect.

Approved February 24, 1869.

[No. 18.]

AN ACT to provide for paying expenses authorized to be incurred by the Legislature.

Providing for
payment of
witnesses
summoned
by Legisla-
ture.
Per diem.

SECTION 1. *The People of the State of Michigan enact, That* whenever any witness shall be summoned to appear before a committee of the Legislature, by authority of either branch thereof, the compensation of such witness shall be two dollars

per day, for each day of actual attendance, and the sum of six Mileage.
cents per mile for each mile he shall travel in coming to and
going from the place of examination, over the usual traveled
route; and the amount of compensation due to such witness Manner of
payment.
shall be certified to the presiding officer of the body summoning
such witness, by the committee before whom such witness
appeared; and thereupon such presiding officer shall direct the
Clerk or Secretary, as the case may be, to draw a certificate in
favor of such witness for such compensation due, in the usual
form of certificates for the payment of members of the Legis-
lature; and upon the presentation to the State Treasurer of
any such certificate, properly signed, he shall pay the same,
out of any moneys in the treasury to the credit of the general
fund.

Sec. 2. Any sum or sums of money due to any committee of Expenses of
committees;
how paid.
either branch of the Legislature, for actual expenses incurred
for travel, in visiting any State institution, or other place, when
such visit is authorized by either branch of the Legislature,
shall be certified to the presiding officer of the branch of the
Legislature to which the members of any such committee may
belong, in the same manner as provided in this act in the case
of witnesses; and they shall be paid such sums, in the same
manner, and from the same fund, as the fees of witnesses are
required to be paid by the provisions of this act.

Sec. 3. The Sergeant-at-Arms of the respective branches of Sergeant-at-
Arms not to
receive pay
for summon-
ing witnesses
other than
for expenses.
the Legislature shall be allowed no extra compensation for
services performed in summoning witnesses to appear before
any committee of the Legislature, other than their necessary
traveling expenses, which sums shall be certified by them to the
presiding officer of the branch of the Legislature in which such
officer shall belong; and the sums due to such officers, for such
traveling expenses, shall be paid in the same manner, and from
the same fund, as the fees of witnesses are required to be paid
by the provisions of this act.

Sec. 4. Any or all expenses incidental to the sessions of the Payment of
incidental
expenses.
Legislature, authorized by either branch thereof, except printing,

shall be reported to the respective branches of the Legislature, by the proper committee thereof; and upon the acceptance and adoption of the report of such committee, a certificate shall be issued for the payment of the same, from the same fund, and in the same manner as the fees of witnesses are required to be paid by this act.

Sec. 5. This act shall take immediate effect.

Approved February 24, 1869.

[No. 19.]

AN ACT to amend section seven, of act No. 356, of laws of 1865, being "An act to authorize the formation of corporations for literary and scientific purposes," approved March 21, 1865.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That section seven (7,) of "An act to authorize the formation of corporations for literary and scientific purposes," approved March 21st, 1865, be and the same is hereby amended so as to read as follows:*

Articles may provide for election of officers direct.

Sec. 7. The directors of every such corporation shall choose one of their number president, and such other officers as their articles of association and by-laws may require, who shall hold their offices one year, or until a majority of the members of said association shall choose others in their stead: *Provided,* That at the annual election of directors the members of the association may, if their articles of association so provide, designate which of the directors elected shall fill the offices of president, vice-president, treasurer, recording secretary, and corresponding secretary; and the officers so chosen shall hold their respective offices until the next annual election, and until their successors are elected and qualified. The directors, for the time being, shall have power to fill any vacancy which may happen in their board by death, resignation, or otherwise, for the current year.

Power of directors to fill vacancy.

Approved March 4, 1869.

[No. 20.]

AN ACT making guarantees of promissory notes negotiable, and providing that they shall pass to the holders of such notes.

SECTION 1. *The People of the State of Michigan enact*, That the guaranty of the payment, or of the collection of any promissory note shall hereafter be negotiable, and shall pass to the holder of the note whether indorsed thereon, or written, or printed upon a separate paper; and the assignment, indorsement, or transfer of any promissory note, the payment or collection of which shall have been guaranteed, shall operate as, and be an assignment of all guarantees of any such note, and the holder of such note may maintain an action upon any and all such guarantees, in his own name, subject to all equities existing between the guarantor and the person to whom such guaranty was made. Guaranty of payment of note made negotiable. Subject to equities.

Approved March 4, 1869.

[No. 21.]

AN ACT to amend section two, of chapter one hundred and seventy-two, of the revised statutes of eighteen hundred and forty-six, being section six thousand one hundred and sixty, of the compiled laws, touching the appointment of inspector for the State Prison.

SECTION 1. *The People of the State of Michigan enact*, That section two, of chapter one hundred and seventy-two, of the revised statutes of eighteen hundred and forty-six, being section six thousand one hundred and sixty, of the compiled laws, be and the same is hereby amended so as to read as follows: Section amended.

Sec. 2. The said prison shall be under the direction and government of three inspectors, one of whom shall be appointed every two years by the Governor, by and with the advice and consent of the Senate, and shall hold his office for the term of six years, and until his successor shall be appointed. One inspector appointed every two years.

Proviso.

and qualified, and shall take and subscribe the oath of office prescribed in the twelfth article of the constitution, before entering upon the duties of his office, except as hereinafter provided: That in the year eighteen hundred and sixty-nine it shall be lawful for the Governor, by and with the advice and consent of the Senate, to appoint one such inspector for the period of two years, and one such inspector for the period of four years, and one such inspector for the period of six years.

Sec. 2. This act shall take immediate effect.

Approved March 6, 1869.

[No. 22.]

AN ACT to provide for an insurance on the State Library.

Appropriation.

SECTION 1. *The People of the State of Michigan enact*, That the sum of one thousand dollars is hereby appropriated out of any moneys in the State treasury, not otherwise appropriated, for an insurance of the State Library.

Amount to be paid each year.

Sec. 2. There shall be paid out of the State treasury each year for the period of two years, the sum of five hundred dollars for an insurance of the State Library.

Board of State Auditors authorized to procure insurance.

How paid.

Sec. 3. The Board of State Auditors are hereby authorized to procure an insurance on the State Library each year, for the period of two years from the passage of this act, in some responsible company or companies, and the money appropriated for the insurance herein provided for and authorized, shall be drawn from the treasury by the Board of Auditors, upon the warrant of the Auditor General, and shall be expended for the purposes aforesaid.

Approved March 6, 1869.

[No. 23.]

AN ACT transferring all moneys in the contingent fund to the general fund.

SECTION 1. *The People of the State of Michigan enact, That* ^{Transfer.} the State Treasurer is hereby authorized to transfer the balance in the treasury standing to the credit of the contingent fund, to the credit of the general fund, and to close the contingent fund account.

Approved March 6, 1869.

[No. 24.]

AN ACT to amend act number two hundred and two, of the session laws of eighteen hundred and sixty-three, approved March twentieth, eighteen hundred and sixty-three, entitled "An act to amend section twenty-three, of the revised statutes of one thousand eight hundred and forty-six," entitled "Of offenses against public justice," the same being section five thousand eight hundred and forty-two, of the compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* ^{Act amended} act number two hundred and two, of session laws of eighteen hundred and sixty-three, approved March twentieth, eighteen hundred and sixty-three, entitled "An act to amend section twenty-three, of the revised statutes of one thousand eight hundred and forty-six," entitled "Of offenses against public justice," the same being section five thousand eight hundred and forty-two of the compiled laws, be and the same is amended so as to read as follows:

Sec. 23. If any person shall knowingly and willfully obstruct, ^{Resistance to officers.} resist, or oppose any sheriff, coroner, township treasurer, constable, or other officer or person duly authorized, in serving, or attempting to serve or execute any process, rule, or order, made or issued by lawful authority, or shall resist any officer in the execution of any ordinance, by-law, or any rule, order, or resolution made, issued, or passed by the common council of any city, board of trustees, or common council or village council

Penalties
therefor.

of any incorporated village, or township board of any township, or shall assault, beat, or wound any sheriff, coroner, township treasurer, constable, or other officer duly authorized, while serving, or attempting to serve or execute any such process, rule, or order, or for having served, or attempted to serve or execute the same, or shall so obstruct, resist, oppose, assault, beat, or wound any of the above named officers, or any other person or persons authorized by law to maintain and preserve the peace, in their lawful acts, attempts and efforts to maintain, preserve and keep the peace, every person so offending shall, on conviction thereof, be punished by imprisonment in the State prison not more than two years, or by imprisonment in the county jail not more than one year, or by fine not exceeding five hundred dollars.

Approved March 6, 1869.

[No. 25.]

AN ACT to amend section sixty-five, of chapter fifty-eight, of revised statutes of eighteen hundred and forty-six, entitled "Of primary schools," being section two thousand three hundred and eight, of the compiled laws.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section sixty-five, of chapter fifty-eight, of the revised statutes of eighteen hundred and forty-six, being section two thousand three hundred and eight, of the compiled laws, be amended so as to read as follows:

Care and
custody of
school-house

[2308.] Sec. 65. That said district board shall have the care and custody of the school-house and other property of the district, except so far as the same shall be especially confided to the custody of the director, including all books purchased for the use of the pupils admitted to the school free of charge, and may permit the school-house to be opened for public meetings: *Provided*, A majority of the legal voters of said school district, present and voting at any annual meeting, or special meeting called for that purpose, shall so determine.

Proviso.

Approved March 6, 1869.

[No. 26.]

AN ACT to amend section three thousand eight hundred and fifteen, of the compiled laws, being section one hundred and sixty-three, of chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, relating to justices' courts.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section three thousand eight hundred and fifteen, of the compiled laws, being section one hundred and sixty-three, of chapter ninety-three, of the revised statutes of eighteen hundred and forty-six, relating to justices' courts, be and the same is hereby amended to read as follows:

[3815.] Sec. 163. An execution may be issued upon any ^{Time of} judgment recovered before a justice of the peace, at any time ^{is use of ex-} within six years after such judgment shall have been rendered, ^{ecution upon} for the collection of the whole or any part of such judgment ^{judgment.} remaining unpaid.

Approved March 6, 1869.

[No. 27.]

AN ACT transferring all moneys from the soldiers' relief fund and soldiers' home fund to the military fund.

SECTION 1. *The People of the State of Michigan enact, That* ^{Transfer.} all moneys now remaining unappropriated in the soldiers' relief fund, and all moneys now remaining unappropriated in the the soldiers' home fund, be and the same are hereby transferred to the military fund.

[Sec. 2. This act shall take immediate effect.]

Approved March 6, 1869.

[No. 28.]

AN ACT to amend act number fifty-eight, of session laws of eighteen hundred and sixty-seven, approved March fifteenth, eighteen hundred and sixty-seven, entitled "An act to repeal all existing laws, rules and provisions of law, restricting or controlling the right of a party to agree with an attorney, solicitor, or counsel, for his compensation, and to more accurately fix and determine the costs to be allowed to the prevailing parties in suits at law in the circuit court, and to repeal section two of said act.

Act amended
and section
repealed.

SECTION 1. *The People of the State of Michigan enact, That* act number fifty-eight, of session laws of eighteen hundred and sixty-seven, approved March fifteenth, eighteen hundred and sixty-seven, entitled "An act to repeal all existing laws, rules and provisions of law, restricting or controlling the right of a party to agree with an attorney, solicitor, or counsel, for his compensation, and to more accurately fix and determine the costs to be allowed to the prevailing parties in suits at law in the circuit court," be and the same is hereby amended, so as to read as follows:

Laws re-
stricting
right to
agree with
attorney, re-
pealed.

SECTION 1. *The People of the State of Michigan enact, That* all existing laws, rules, and provisions of law, restricting or controlling the right of a party to agree with an attorney, solicitor, or counsel, for his compensation, are repealed, and hereafter the measure of such compensation shall be left to the agreement, express or implied, of the parties; but there shall be allowed to the prevailing parties, costs in addition to the fees of officers, disbursements, and witnesses, in suits at law, commenced or brought into the circuit court, by appeal or otherwise, as follows:

Costs al-
lowed to pre-
vailing par-
ties.

For proceedings before notice of trial, in all actions of ejectment, or other actions involving the question of title to real estate, and in all actions for libel, slander, malicious prosecution, or criminal conversation, fifteen dollars; for all subsequent proceedings in such actions, before trial, five dollars;

Actions of
ejectment,
libel, etc.

Issues of law

For the trial of issues of law, if separate from the trial of the issues of fact, ten dollars;

For every trial of issues of fact, if separate from the trial issues of fact of the issues of law, fifteen dollars;

For the trial of the issues of fact and of law, when tried at issues of fact and law. the same time or term, twenty dollars;

For proceedings before notice of trial, in every other kind of Other civil action. civil action at law, ten dollars; and for all subsequent proceedings, before trial, five dollars;

For the trial of issues of law, if separate from the trial of issues of fact, in any of the actions last above referred to, ten dollars;

For the trial of the issues of fact, if separate from the trial of the issues of law, in any of the actions last aforesaid, ten dollars; and for the trial of the issues of law and fact, at the same time or term, in such action, fifteen dollars;

In all actions where a judgment is taken by default, or on Judgment by default. cognovit, fifteen dollars;

For every circuit or term, at which a cause is regularly on When cause is on calendar and not reached. the calendar, and not reached, or is postponed, excluding that Provide. at which it is tried or heard, five dollars: *Provided*, That in all cases heard and determined on appeal, the costs, or such part thereof as to the court shall seem just, in view of the particular circumstances of each case, may be awarded to either party;

In all cases of *certiorari* to a circuit court, to the plaintiff in Certiorari. error, on reversal of the judgment, fifteen dollars; to the defendant in error, on the affirmance of the judgment, twelve dollars;

If the judgment on *certiorari* be reversed in part, and affirmed Reversed judgment on certiorari. as to the residue, the amount of cost allowed to either party, shall be such sum as the court may award, not exceeding ten dollars; and in all cases the party prevailing in the circuit court may tax in addition to the costs above allowed him, such costs as he would have been entitled to tax, had he prevailed in his actions in the court below;

In all cases of special motion, such sum shall be awarded to Special motion

either party, as the court, in view of the circumstances, shall seem [deem] just.

Sec. 2. Section two of said act is hereby repealed.

Approved March 6, 1869.

[No. 29.]

AN ACT to regulate the manufacture, and provide for the inspection of salt.

Salt must be inspected.

Penalty for violating provisions of this section.

Penalty for selling or exporting, in violation of this act.

Previous.

Inspector of salt, appointment of.

Term of office.

Governor may remove for cause.

SECTION 1. *The People of the State of Michigan enact,* That no salt manufactured in this State after this act takes effect, shall be sold within the State, nor exported therefrom, until the same shall first be duly inspected, as provided in this act. Any person who shall violate the provisions of this section, shall pay, for the use of the people of this State, as a fine, the sum of twenty cents for each bushel of salt sold, or exported contrary to the provisions of this act. In case any manufacturer of salt shall knowingly sell, or export, or permit to be sold or exported, salt contrary to the provisions of this act, he shall, on conviction thereof, be liable to a fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding ninety days: *Provided,* That nothing in this act shall apply to any salt packed and in the hands of dealers when this act takes effect.

Sec. 2. Immediately after the passage of this act, and every six years thereafter, there shall be appointed by the Governor of this State, by and with the advice and consent of the Senate, an inspector of salt, who shall be a person of competent skill and ability, and who shall hold his office for six years and until his successor shall be appointed and qualified, unless sooner removed for cause. He shall at all times be subject to removal by the Governor for cause; and in addition to other causes which may arise, incompetency, or inefficiency in the performance of the duties devolved on him by this act, shall be deemed good cause for removal. In case of vacancy in the

office, it shall be the duty of the Governor to fill the same by ^{Vacancy in office; how filled.} appointment, immediately upon receiving notice thereof, and such appointment shall hold until the close of the next session of the Senate; and in the meantime, the Governor shall, with the consent of the Senate, appoint to fill the vacancy for the unexpired portion of the term.

Sec. 3. Immediately after his appointment and qualification, ^{Inspector to divide territory into districts, and appoint deputies.} the inspector shall divide the salt-making territory of this State into so many inspection districts as he may judge necessary and shall appoint for each district one or more competent and efficient deputy inspectors, who shall hold office at the pleasure of the inspector, and for whose acts he shall be responsible. Such districts may be changed from time to time, as may be necessary. The inspector shall give his entire time, skill and attention to the duties of his office, and shall not be engaged in any other business or occupation.

Sec. 4. The inspector shall be entitled to receive an annual ^{Salary of inspector.} salary of twenty-five hundred dollars. He shall also be allowed ^{Expenses.} the further sum of five hundred dollars annually for the expenses of providing and furnishing his office, and for clerk hire, stationery, books and printing. His deputies shall be entitled ^{Salaries of deputies.} to such sums, in each case, as he may approve, not exceeding in any case the sum of one hundred dollars per month for the time actually employed. All salaries and expenses ^{Salaries, etc., how paid.} provided for by this act, shall be retained by the inspector out of the money received under section five of this act, and accounted for, and paid out by him as provided in this act; salaries to be paid monthly: ^{Provide.} *Provided*, That in case the amount of money received for the inspection of salt, according to the provisions of section five, shall not be sufficient to pay the salaries and expenses of the inspector and his deputies, as provided herein, that the amount of such deficiency shall be deducted from said salaries *pro rata* to each.

Sec. 5. Each person, firm, company, and corporation engaged ^{Three mills to be paid for each bushel inspected.} in the manufacture of salt, or for whom any salt shall be inspected, shall from time to time as salt is inspected, or offered

for inspection, pay on demand to the inspector, or the deputy of the district where the salt is inspected, three mills for each bushel of salt inspected or offered for inspection: *Provided*, That the same may be required to be paid in advance: *And provided further*, That but one inspection fee shall be paid upon the same salt. In case any person, firm, company, or corporation shall neglect or refuse to pay such inspection fees, on demand, at his, their, or its office or manufactory, the party so refusing shall be liable to an action therefor, in the name of the inspector; and the certificate of inspection, with proof of the signature of the inspector, or deputy giving the same, shall be *prima facie* proof of the liability, and the extent of liability of the party so in default; and it shall be lawful for the inspector and his deputies to refuse to inspect salt manufactured at the works so in default, until the amount due is paid; all money received by or paid to any deputy inspector under this section shall be forthwith paid to the inspector. The inspector shall keep just and true accounts of all money received under this section, and an account of the amounts received from or paid by each person, firm, company, and corporation engaged in the manufacture of salt, and all other things appertaining to the duties of the office, and the said books and accounts shall always, during office hours, be subject to the inspection and examination of any person who may wish to examine them, shall be deemed the books of the office, and shall be handed over to his successor in office, together with all the money and effects appertaining to the office.

Proviso. *Provided*, That the same may be required to be paid in advance: *And provided further*, That but one inspection fee shall be paid upon the same salt.

Neglect or refusal to pay. In case any person, firm, company, or corporation shall neglect or refuse to pay such inspection fees, on demand, at his, their, or its office or manufactory, the party so refusing shall be liable to an action therefor, in the name of the inspector; and the certificate of inspection, with proof of the signature of the inspector, or deputy giving the same, shall be *prima facie* proof of the liability, and the extent of liability of the party so in default; and it shall be lawful for the inspector and his deputies to refuse to inspect salt manufactured at the works so in default, until the amount due is paid; all money received by or paid to any deputy inspector under this section shall be forthwith paid to the inspector. The inspector shall keep just and true accounts of all money received under this section, and an account of the amounts received from or paid by each person, firm, company, and corporation engaged in the manufacture of salt, and all other things appertaining to the duties of the office, and the said books and accounts shall always, during office hours, be subject to the inspection and examination of any person who may wish to examine them, shall be deemed the books of the office, and shall be handed over to his successor in office, together with all the money and effects appertaining to the office.

Money received to be paid to inspector. Inspector shall keep accounts. all money received by or paid to any deputy inspector under this section shall be forthwith paid to the inspector. The inspector shall keep just and true accounts of all money received under this section, and an account of the amounts received from or paid by each person, firm, company, and corporation engaged in the manufacture of salt, and all other things appertaining to the duties of the office, and the said books and accounts shall always, during office hours, be subject to the inspection and examination of any person who may wish to examine them, shall be deemed the books of the office, and shall be handed over to his successor in office, together with all the money and effects appertaining to the office.

Books and accounts shall be open for inspection. and the said books and accounts shall always, during office hours, be subject to the inspection and examination of any person who may wish to examine them, shall be deemed the books of the office, and shall be handed over to his successor in office, together with all the money and effects appertaining to the office.

Deemed books of the office. shall be deemed the books of the office, and shall be handed over to his successor in office, together with all the money and effects appertaining to the office.

Oath of inspector; where filed. Sec. 6. The inspector shall, before entering upon the duties of his office, take the oath prescribed by the constitution of this State, which oath shall be filed in the office of the Secretary of State. He shall execute a bond to the people of this State, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall have at least two sureties, and shall be subject to the approval of the State Treasurer, and when approved, shall be by such treasurer filed and deposited in his office; and the

Bond; where filed. He shall execute a bond to the people of this State, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall have at least two sureties, and shall be subject to the approval of the State Treasurer, and when approved, shall be by such treasurer filed and deposited in his office; and the

inspector shall renew his bond every year. Any person or corporation injured by the neglect or default of such inspector, or by his misfeasance in office, or by the neglect, default, or misfeasance of any of his deputies, may maintain an action on such bond, in the name of the people, for the use of the party prosecuting, and shall be entitled to recover the full amount of damages sustained.

Persons injured may maintain action on bond.

Sec. 7. Each of the deputies appointed by the inspector shall take the oath of office prescribed by the constitution, and shall give bond to the inspector in such sum, and with such sureties as he may approve, conditioned for the faithful performance of his duties as such deputy; and in case said inspector shall be obliged to pay any sum for the neglect or default, or misfeasance of any deputy, he may recover of such deputy, and his sureties on such bond, the amount he was obliged to pay, with accruing costs.

Oath of deputies.
Bond.

Sec. 8. The inspector shall keep his principal office in the city of East Saginaw, and the deputy for the district of East Saginaw may occupy the same office. This office shall be open at all times during business hours. All the books, records, and accounts, shall be kept at this office, and each deputy shall, at least once in each week, make written report, by mail or otherwise, to the inspector, of the salt inspected by him during the week, stating for whom, and the quantity, and quality thereof. Abstracts of these reports shall be entered in books provided for that purpose. Said inspector shall, in proper books, keep a full record and account of all his transactions; and such books shall also be open for the examination of all persons wishing to examine the same during office hours.

Location of office.

Office hours.

Reports of deputies.

Record of same.

Sec. 9. The inspector shall not be in any way concerned in the manufacture or selling of salt, or have any interest whatever, directly or indirectly, in any salt manufactory, or erection for manufacturing salt in the State of Michigan, or in the profits of any such manufactory.

Inspector not to have interest in salt.

Sec. 10. It shall be the duty of the deputy, in each district, to visit, once in each day, Sundays excepted, each salt manu-

Visits of deputy.

factory in his district, when in operation, and to ascertain if there be therein any salt of bad quality, and such as ought not to pass inspection.

Visits of
Inspector.

Sec. 11. It shall be the duty of the inspector to visit the manufactories in which salt is made, that may be in operation in the different districts, as often as practicable.

Duties when
inspecting.

Sec. 12. The inspector or deputy, at each visit, as provided in this act, shall carefully examine the salt in the bins, and the brine in kettles, or pans, or vats in which the salt is manufactured; if the salt in the bins, or any part thereof is of bad quality, and such as ought not to pass inspection, or if the brine in the kettles, or pans, or graining-vats have not been cleansed, he will direct and see that the owner, or occupant, or boiler, or other person having charge of the manufactory, remove the bad salt from the bin and place it with second quality salt, or throw it among the bitterns, as the inspector or deputy may direct, and the impure brine in the kettles, or pans, or graining-vats be thrown out, and new brine substituted.

No lime or
lime-water
to be used.

Sec. 13. No lime or lime-water shall be used by any person in the manufacture of salt, in the kettles, or pans, or graining-vats used for manufacturing, under a penalty of twenty-five dollars and costs for each offense, to be sued for in the name of the people of this State: *Provided*, That iron vessels used in the manufacture of salt may be white-washed, when cool, to prevent the accumulation of rust.

Provide.

Application
for inspection.

Sec. 14. Every person desiring to have salt inspected, shall apply to the inspector or deputy inspector of the district where the same shall be, which inspector or deputy inspector shall thereupon actually examine the salt so offered for inspection, in the package in which the same may then be.

To facilitate
examination

Sec. 15. To facilitate such examination, it shall be the duty of the person or company offering the salt for inspection, to unhead or bore the barrel, or to open the bag or other package in which the salt is contained, as may be directed by the inspector or deputy inspector, so as to expose the salt to his touch, view, and examination.

Sec. 16. The inspector, or deputy inspector shall not pass any salt as good, unless he shall find it to be well made, free from dirt, filth and stones, and from admixture of lime, or ashes of wood, and of any other substance which is injurious to salt, fully drained from pickle, the bitters properly extracted therefrom, and manufactured as directed by this act, and by the rules and regulations of the inspector.

What qualities salt to contain.

Sec. 17. The person or company offering the same for inspection, shall in all cases provide the necessary force to lift the salt while the inspector or deputy weighs or measures it, and shall also furnish the necessary help and material to brand the salt for and under the direction of the inspector or deputy inspector.

Assistance to inspector.

Sec. 18. Each manufacturer shall provide a scale or balance at his works, to be examined from time to time, and approved by the inspector, in which all the salt offered for inspection at his works may be weighed.

Manufacturer to provide scale.

Sec. 19. Each inspector or deputy shall deliver to the party for whom he shall inspect salt, a certificate of the quantity and quality inspected, and shall thereupon brand or mark with durable paint, the package containing the salt so inspected, with the name of the inspector at length, and the initials of his christian name, with the addition of the word "Inspector," in letters at least one inch in length, and shall mark upon the head of the barrel or cask, or upon the sack, with a marking iron or durable paint, the number of pounds of salt contained in such package.

Certificate of inspection.

Brand.

Sec. 20. If the said salt shall be put up in barrels, it shall not be marked unless the barrels are thoroughly seasoned, stout, and well made, with at least ten good strong hoops, to be well nailed and secured.

Make of barrels.

Sec. 21. Every person who shall falsely or fraudulently make or counterfeit, or cause to be made or counterfeited, or knowingly aid and assist the false or fraudulent making or counterfeiting the mark or brand of any inspector or deputy inspector, on any package containing salt, shall be deemed guilty

Counterfeiting brand of inspector deemed felony; fine therefor.

of felony, and on conviction thereof, shall be subject to a fine of not less than one hundred nor more than one thousand dollars, or be imprisoned in the State prison for a term not less than one nor more than six years, or both, in the discretion of the court.

Salt to be inspected before packed.

Sec. 22. No manufacturer or other person, shall pack, or cause to be packed, in barrels, casks, boxes or sacks, any salt, until an inspector shall have determined, upon actual examination, that the same is sufficiently drained of pickle, and otherwise fit to pack.

Inspector may examine all bins of salt.

Sec. 23. The inspector and his deputies, in their daily examination of the several salt manufactures, [manufactories] may examine all bins of salt, for the purpose of ascertaining whether any salt is packed contrary to the provisions of the last foregoing section.

Penalties of packing before inspection.

Sec. 24. If any manufacturer or other person shall pack any salt before the inspector or one of his deputies shall have determined that it is fit for packing, he shall forfeit the sum of twenty-five cents for every bushel of salt so packed.

Barrels, etc., once used.

Sec. 25. Barrels, casks, or sacks in which salt shall have been packed and inspected, shall not again be used for the packing of salt therein, until the mark or brands made by the inspector shall be first cut out or removed; and if any person shall pack, or cause to be packed, or shall aid or assist in packing any uninspected salt in any such barrels, casks, or sacks, without first cutting out or removing such marks or brands, he shall forfeit, for every bushel of salt so packed, the sum of one dollar.

Name of person, etc., manufacturing to appear on barrels, etc.

Sec. 26. It shall be the duty of every manufacturer to brand or mark, with durable paint, every cask or barrel of salt manufactured by him, with the full name at full length of the proprietor or owner of the manufactory at which the same shall have been made, and the initial letters of his christian name, and if the same shall have been manufactured for a company, or association of individuals, he shall mark or brand, in like manner, upon every such cask or barrel, the name by which

the company is usually called: *Provided*, That no second quality salt shall be so marked. Proviso.

Sec. 27. No inspector or deputy inspector shall inspect or pass any barrel, cask, box, or sack of salt which shall not be marked or branded in the manner prescribed in the last section, and the inspector or deputy shall not affix his brand to any barrel of salt which shall not have been so branded by the manufacturer offering the same for inspection: *Provided*, That none of the provisions of this section shall apply to second quality salt: *And provided further*, That the inspector may, by regulations prescribed by him, provide that both the brand of the manufacturer and that of the inspector shall be put upon each package at the same time. Inspector not to pass any barrels not so marked. Proviso.

Sec. 28. Salt of an inferior quality—dirty, damaged or condemned—may be sold loose, or in bulk, by the manufacturer thereof, at the works, the inspector making bills of the same, designating the quantity by weight, as in ordinary cases, and distinguishing the same as "second quality;" or, such inferior salt may be packed in boxes, barrels, casks or sacks, and branded by the inspector with the words "second quality salt," in plain letters not less than one inch in length, and such inspector shall add the initials of his name, and no other or different brand shall be placed thereon; and said second quality salt, subject to the provisions of this section, may be sold or exported by the owner as such. Inferior salt; how sold.

Sec. 29. Every person who shall forge or counterfeit the name so required to be put on by the manufacturer, or shall cause, or procure to be put on any barrel or cask in which salt shall be packed, the name of any person other than that which properly should be placed thereon according to the provisions of this act, shall, for every such barrel, cask or sack, forfeit the sum of one hundred dollars, and shall also be liable for all damages to the party aggrieved. Counterfeit of manufacturer's name. Penalty.

Sec. 30. The inspector shall, by regulation from time to time, specify the quantity of salt that shall be contained in bags or Regulating quantity in bags, etc.

other packages which shall be offered for inspection. And it shall not be lawful for him to authorize the inspector's brand to be placed upon any package that does not correspond with said regulation.

Ground salt;
how marked.

Sec. 31. The inspector shall, by regulation, require that all ground salt manufactured and put up for market, shall be legibly marked on each keg, box, sack, bag, or other package containing the same, with the words "ground solar," or "ground boiled," or "ground steam," or "ground Chapin," as the fact may be. Such marking to be done in letters not less than an inch in length.

Size of letters.

Connivance
of inspector.

Sec. 32. If the inspector shall consent to, connive at, aid or abet the smuggling of salt, or the transportation of the same away, so as to evade the inspection thereof, or shall accept of any bribe, or sum of money, or any gift, or reward whatsoever, upon any express, or secret or implied trust, or confidence that he shall connive at, or consent to any evasion of the laws for the inspection of salt, such inspector shall forfeit his office, and pay to the use of the people of this State the sum of one thousand dollars.

Penalty.

Connivance
of deputy.

Sec. 33. If any deputy inspector shall be guilty of the offenses specified in the last section, or any of them, the inspector appointing such deputy shall forfeit to the use of the people of this State the sum of two hundred and fifty dollars, for the recovery of which his bond shall be put in suit.

Penalty.

Inspector
and deputies
exempt from
jury service.

Sec. 34. The inspector and each of his deputies shall be exempt from serving on juries, and from all military service, except in case of actual invasion or insurrection; and the commission or appointment in writing of any such officer or deputy shall be evidence of the facts stated therein.

Inspector
to ordain
rules, etc.

Sec. 35. The inspector shall have power from time to time, to make and ordain such necessary rules and regulations as he may deem expedient, concerning—

First. The manufacturing and inspection of salt not inconsistent with the provision of this act.

Second. The daily examination, and reporting by his deputies, of the operation and extent of the several salt manufactories, so as to determine whether the quantity of salt inspected at each manufactory, is equal to the quantity actually manufactured thereat.

Third. The districting of the salt-making territory in this State, and the duties of his deputies under this act, and he may alter and revoke such rules and regulations at his pleasure.

Sec. 36. The inspector shall have power to annex penalties, not exceeding ten dollars in any case, to the violation of such rules and regulations; such rules and regulations shall be printed and posted up in the office of the inspector, and in each manufactory, and published at least once in some newspaper in each county where salt is manufactured, and shall, after they have been posted and published as aforesaid for one week, be binding upon all persons concerned.

Inspector to annex penalties for violation.
Printing rules.

Sec. 37. It shall be the duty of the inspector and his deputies, upon being applied to by any manufacturer to inspect salt in his district, to inspect the same forthwith; and in no case shall the inspector, or any deputy, delay the inspection of salt beyond twelve hours of daylight, excluding Sundays, after such application, unless such manufacturer shall consent to the delay. For a violation of this section by the inspector, or any one of his deputies, the inspector and his sureties shall be liable to the party aggrieved in the sum of fifty dollars over and beyond all actual damages sustained.

Inspector to inspect salt at once, on application.

Penalty for neglect.

Sec. 38. Nothing contained in this act shall be construed so as to prevent the sale or exportation of the bitters from any manufactory of salt, such bitters to be sold or exported in bulk, or if in casks or barrels, to be branded as bitters, and sold or exported as such.

Bitters sold as such.

Sec. 39. In case of any vacancy, from any cause, in the office of the inspector, the deputy for the district of East Saginaw shall possess the powers and perform the duties of inspector until such vacancy shall be filled; and the bond of the inspector

Who to fill vacancy of inspector.

and his sureties shall continue to be liable for the acts of all the deputies, until such vacancy shall be filled.

Inspector's
report.

Sec. 40. The inspector shall annually, in the month of December, and on or before the fifteenth day thereof, make a report to the Governor of this State, which shall contain—

First. The number of districts into which the salt-producing territory of this State may then be divided, with the name and locality of each, and the number and capacity of the works of each district;

Second. The quantity and quality of salt inspected in each district during the preceding year;

Third. The amount received, and expenses incurred under this act for the preceding year, in detail;

Publication
of same.

Fourth. Such suggestions and recommendations as he may think proper to make concerning the manufacture of salt, and the operation of the inspection laws upon the same, and as to what further legislation upon the subject, if any, would be advisable. A copy of such report shall be published immediately after its date, in some newspaper in the Saginaw Valley.

Fine salt;
how marked

Sec. 41. The inspector shall establish a grade of "fine" salt, the grain of which shall be at least as fine as the average grain of salt made in kettles. He shall cause the word "fine" to be marked on the packages containing such salt, in large letters, and the word "fine," with or without qualification, shall not, under any circumstances, be placed on salt of coarse grain; but all other grades shall be designated on the packages by some truly descriptive mark or brand, and the inspector may mark salt "second quality," for imperfect grain, as well as for any other defect.

Salt in bulk.

Sec. 42. Nothing in this act contained shall be construed to prevent the sale or shipment of salt in bulk, after the same shall have been duly inspected, and a certificate thereof given by said inspector, or any deputy; and nothing in this act shall be construed to prevent manufacturers from putting such private trade-mark or brand on their salt as they may see fit: *Provided,*

Private trade
marks.

It contains no untruth, or statement calculated or intended to ^{Proviso.} deceive the purchaser.

Sec. 43. In case the inspector shall, at the time of making ^{Surplus} any annual report, have a surplus of money arising from the ^{money; how} inspection fees in this act provided for, in his hands, he shall ^{inspector to} apportion back and pay such surplus to the persons, firms, or ^{dispose of} corporations for whom salt has been inspected during the last preceding year, in proportion to the amounts paid by them respectively for inspection fees: *Provided*, That in case such sur- ^{Proviso.} plus does not equal the sum of one thousand dollars, no such apportionment shall be made: *Provided, further*, That in no ^{case} case shall the State be held liable for any obligation or expenditure in consequence of any of the provisions of this act.

Sec. 44. This act shall take immediate effect.

Approved March 6, 1869.

[No. 80.]

AN ACT to reorganize the second and to create the fifteenth Judicial Circuit.

SECTION 1. *The People of the State of Michigan enact*, That the ^{fifteenth} counties of Branch and St. Joseph shall be formed into and be ^{circuit.} one judicial circuit, to be known and designated as the fifteenth judicial circuit.

Sec. 2. That the counties of Berrien and Cass shall be formed ^{Second} into and be one judicial circuit, to be known as the second ^{circuit.} judicial circuit.

Sec. 3. The qualified voters of the counties of Branch and ^{Election of} St. Joseph shall, on the first Monday in April, in the year of ^{judge in the} our Lord one thousand eight hundred and sixty-nine, at the ^{fifteenth, for} regular township meetings to be held in the respective town- ^{partial term.} ships of said counties at that time, elect a circuit judge, who shall hold his office, commencing on the first day of May, in the year eighteen hundred and sixty-nine, and ending on the first day of January, in the year eighteen hundred and seventy,

Full term. and until his successor is elected and qualified; and shall at the same time elect a judge for the full term, commencing January first, in the year eighteen hundred and seventy.

Term of, present judge in second circuit. Sec. 4. The judge of the present second judicial circuit shall continue to hold his office as judge of the second judicial circuit, as herein reorganized, for the balance of his unexpired term, and shall continue to hold his terms throughout his present circuit, until the first day of May next.

Duty of sheriffs. Sec. 5. It shall be the duty of the sheriffs of the several counties mentioned in the third section of this act, at least fifteen days previous to the first Monday of April, in the year of our Lord one thousand eight hundred and sixty-nine, to notify the township clerks of the several townships in their respective counties, of the election aforesaid for circuit judge; and the township clerks shall post notices, in the usual manner, for such election in their townships, at least five days previous to the day of election.

Election; how conducted. Sec. 6. The said election for circuit judge shall be conducted and returns made as provided by law for the election of judges for the several judicial circuits of this State; and the State canvassers shall, without delay, on receipt of the certified statement of the votes given in the said counties, proceed to canvass said votes, and deliver to the person elected a copy of their determination, as required by law; and no person shall hold the office of circuit judge of said judicial circuit, unless he shall be a resident thereof.

Terms of court. Sec. 7. The judges of said judicial circuits shall have power, on the first Monday of May, eighteen hundred and sixty-nine, to fix the time for holding the terms of courts in the counties in their respective circuits, and to give the usual notice thereof through the newspapers, and they shall hold the terms of court therein at the times so fixed; but until so fixed they shall hold them at the times now appointed, and shall have jurisdiction of all judgments, decrees, records, files, books, papers, suits, prosecutions, causes, and proceedings, then

Jurisdiction of judge.

pending, and being in the circuit courts for the several counties composing their respective circuits.

Sec. 8. All acts or parts of acts, contravening the provisions ^{Acts} of this act, are hereby repealed. _{repealed.}

Sec. 9. This act shall take immediate effect.

Approved March 6, 1869.

[No. 31.]

AN ACT to regulate the size of dry or packing barrels for fruits, roots and vegetables.

SECTION 1. *The People of the State of Michigan enact, That* the quantity known as a barrel of fruit, roots, or vegetables, shall be two and one-half bushels, equivalent to sixty-eight hundred and seventy cubic inches.

Approved March 8, 1869.

[No. 32.]

AN ACT to amend act number 174, of the session laws of 1867, being "An act supplementary to an act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February 15th, 1853.

SECTION 1. *The People of the State of Michigan enact, That* ^{Act amended} act number 174, of the session laws of 1867, being "An act supplementary to an act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes," approved February 15th, 1853, be and the same is hereby amended so as to read as follows:

Sec. 1. That no meeting of the stockholders of any corporation, organized under the provisions of the act to which this is ^{What to be} _{legally stated} supplementary, for the purpose of mining, smelting, or manufacturing iron, copper, or other ores or minerals, in the Upper

Peninsula, shall be, or be held to be legal or valid, or the proceedings thereof of any force or effect, unless the directors, or other officers or parties calling the same, shall cause a notice of the time, place, and object of holding the same, to be published two weeks for any annual meeting, and four weeks for any special meeting, previous thereto, in some newspaper published in the county in which its business is carried on, or its mines or works are situated, if one be published therein; and if not, then in some paper published in said Upper Peninsula, printed nearest to such mine, works, or place of business, and shall also cause a copy of such notice to be sent by mail to each stockholder of record, at his usual place of residence, twenty days before the time of such meeting: *Provided*, If the directors or officers calling such meeting shall cause a written or printed notice thereof to be personally served on each stockholder of such corporation, at least twenty days previous thereto, and file proof of such service, or if all such stockholders actually appear and consent to act at such meeting without notice, and the fact thereof be entered upon the record of such meeting, the same shall be as valid as if notice were given, as hereinbefore provided.

Provide.

A vote of three-fifths in interest necessary to pass title, except surface right.

Sec. 2. No alienation, division, sale, or mortgage of any, or any part of the mine works, real estate, or franchise of any corporation mentioned in the first section of this act, shall have any force or effect, or pass any title thereto, or interest therein, unless expressly authorized by the vote three-fifths in interest of the entire stock of said company actually present, or legally represented at some meeting of stockholders called, and notified in accordance with the provisions of the preceding section of this act, except the surface right to land for village lots, or land not required for mining purposes, from which the timber has been removed.

How to perpetuate evidence of sale, etc.

Sec. 3. Any person desiring to perpetuate evidence of the facts on which the legality of any alienations, division, sale, or mortgage of any of the real estate, mine works, or franchises of any such corporation depends, may procure—

First. An affidavit of the person or persons who served the notices of the meeting at which the same was authorized, on the several stockholders, showing the time and manner of such service;

May procure affidavit, of server of notice.

Second. An affidavit of publication of the notice of such meeting, if such notice be published, to be made by the printer of the newspaper in which the same was published, or by some one in his employ having knowledge of the facts; and,

Of publication.

Third. A transcript of the record of proceedings of such meeting to be verified by the oath of the secretary, or other officer of such corporation having custody of said record;

Record of proceedings.

Fourth. Said affidavit and verified transcript may be recorded in the office of the register of deeds of the proper county, in the book of miscellaneous records, and when so recorded, the original affidavits and transcripts, the records thereof, or a certified copy thereof, shall be *prima facie* evidence of the facts therein contained.

Evidence may be recorded.

Sec. 4. Any meeting of stockholders, called and notified as herein required, may be adjourned to any time not exceeding sixty days thereafter, or to any specified place, without any further or other notice than the vote of a majority in interest, represented and voting thereat.

Adjourned meeting.

Sec. 5. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

Acts repealed.

Sec. 6. This act shall take immediate effect.

Approved March 12, 1869.

[No. 33.]

AN ACT to amend section forty-three of an act entitled "An act to provide for the incorporation of railroad companies," approved February 12, 1855, as amended by an act amendatory thereof, approved March 27, 1867.

SECTION 1. *The People of the State of Michigan enact, That* section forty-three of an act entitled "An act to provide for the incorporation of railroad companies," approved February

Section amended.

12, 1855, as amended by act one hundred and sixty-seven, of the session laws of 1867, be and hereby is amended so as to read as follows:

Erection of
fences;
height,
openings,
etc.

(1867.) Sec. 43. Every railroad company formed under this act, and every person or corporation owning or occupying any railroad within this State, under any of the laws thereof, shall erect and maintain fences on the sides of their respective roads, of the height and strength of a division fence required by law, with suitable openings and gates therein, convenient for farm crossings of the road, for the use of the proprietors of lands adjoining such railroad; and also construct and maintain

Cattle
guards.

cattle guards at all road crossings, suitable and sufficient to prevent cattle and other animals from getting on to the railroad. Until such fences and cattle guards shall be duly made, the corporation or person, and its or his agents, shall be liable for all damages which shall be done by their agents or engines, or cars, to cattle, horses, or other animals thereon, and all other damages which may result from the neglect of said corporation or person, to erect and maintain fences and farm crossings as aforesaid; and after such fences and guards shall be duly made and maintained, the corporation shall not be liable for any such damages, unless negligently or willfully done; and if any person shall ride, lead, or drive any horse or animal upon such road, and within such fences and guards other than at farm crossings, without the consent of the corporation, he shall, for every such offense, forfeit a sum not exceeding ten dollars, and shall also pay all damages that shall be sustained thereby, to the party aggrieved.

Prohibiting
entries upon
road, except
at farm
crossings.

Approved March 13, 1869.

[No. 84.]

AN ACT to amend an act entitled an act to provide for the selection, care, and disposition of the lands donated to the State of Michigan, by act of Congress, approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts, approved March eighteenth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
 section three, of act number one hundred and forty, of the session laws of eighteen hundred and sixty-three, entitled "An act to provide for the selection, care, and disposition of the lands donated to the State of Michigan, by act of Congress, approved July second, eighteen hundred and sixty-two, for the endowment of colleges for the benefit of agriculture and the mechanic arts," approved March eighteenth, eighteen hundred and sixty-three, be and the same is hereby amended so as to read as follows:

Sec. 3. All of said lands, excepting as hereinafter provided, shall be sold for not less than three dollars per acre, one-fourth of the purchase price to be paid at the time of purchase, and the balance at any time thereafter, at the option of the purchaser, with interest on the unpaid balance at the rate of seven per cent. per annum, payable annually into the State treasury, in accordance with, and subject to all the terms and conditions of payment, and forfeitures for non-payment of all interest and taxes due thereon, as is now provided by the laws regulating the sale and forfeiture of primary school lands: *Provided, how-* Price per acre; one-fourth down, interest on balance.
 ever, That all of said lands which are valuable *principally* for the timber thereon, shall be sold for not less than five dollars per acre, the whole of the purchase money therefor to be paid at the date of purchase.

Sec. 2. This act shall take immediate effect.

Approved March 16, 1869.

[No. 35.]

AN ACT to create a soldiers' aid fund for disabled Michigan soldiers, sailors, and marines, and Michigan men who have served in the late war in other State organizations, or in the forces of the United States, and to repeal act number thirty-one, session laws of eighteen hundred and sixty-three, entitled "An act for the relief of sick, disabled, and needy soldiers, approved February eighteenth, eighteen hundred and sixty-three;" also, act number thirty-six, session laws of eighteen hundred and sixty-seven, being an act to provide a temporary home for disabled Michigan soldiers, approved March eighth, eighteen hundred and sixty-seven; also, act number one hundred and fourteen, of session laws of eighteen hundred and sixty-seven, entitled "An act to provide a soldiers' permanent home commission, and to define its duties," approved March twenty-sixth, eighteen hundred and sixty-seven; also, act number two hundred and twenty-eight, of session laws of eighteen hundred and sixty-five, being an act making an appropriation for the soldiers' relief fund.

Appropriation.

SECTION 1. *The People of the State of Michigan enact, That* an amount not to exceed seven thousand dollars per annum, be and the same hereby is appropriated from the military fund, to be set apart and denominated the "soldiers' aid fund," for the support and care of infirm, maimed, and needy Michigan soldiers, sailors, and marines, and Michigan men who enlisted from this State in other State volunteer forces, or the United States' service, and were residents of this State at the time when said service was rendered; said assistance to be rendered at the Harper hospital, in the city of Detroit, and elsewhere, and to otherwise aid them, and also to assist temporarily, destitute discharged soldiers, sailors, and marines of other States, in the discretion of the State military board.

Authority of State military board.

Sec. 2. The State military board is hereby authorized to make the necessary contracts and arrangements for the maintenance, care, and support of Michigan soldiers and Michigan men, as specified in section one, at said Harper hospital, or to grant them aid at their homes to an amount not exceeding contract rates for their maintenance at said Harper hospital, of

which they must previously have been inmates to entitle them to this aid outside of said hospital.

Sec. 3. Said board may also appoint a superintendent, assistant or assistants, and revoke such appointments at pleasure, ^{Superintendent; how appointed.} and make rules and regulations for the admission, government, and dismissal of the beneficiaries herein provided for, and do all other acts and things necessary to carry out the objects of this act.

Sec. 4. It shall be the duty of the Adjutant General of this State, to issue his order of admission to the soldiers' home, at the Harper hospital, as contemplated in section two of this act, or the State military board are hereby empowered to grant the same *pro rata* aid, in conformity with section two: *Provided,* ^{Admission to hospital.} *however,* That said soldier, sailor, or marine was in service during the late war for the suppression of the rebellion; was honorably discharged, and at the time of making such application, is sick, infirm, maimed, or otherwise unable to maintain himself, and under such other conditions as may be prescribed by said military board.

Sec. 5. Any person entitled to such order of admission, who is receiving, or is entitled to receive a pension from the government of the United States, shall receive such order only on condition that he shall first constitute and appoint the Adjutant General his attorney during his stay at said home, to collect or procure such pension; and when such pension shall be collected by said Adjutant General, the same shall be paid over by him as follows: Two dollars to the person executing power of attorney, on the first Monday of each month, the remainder to his family; and in case he has no family, then to the State military board, to be used by them in defraying the expenses of said home. ^{When person admitted, to make Adj't General his attorney.}

Sec. 6. All disbursements of money for the objects sought by this act shall be under the direction of the State military board; and upon the requisition of said board, the Auditor General shall draw his warrant or warrants, for such sum or sums, not exceeding in all the appropriation hereby made, on ^{How money disbursed.}

State board
to keep re-
cords, and
report.

the State Treasurer, who is hereby authorized to pay and charge the same to the soldiers' aid fund. Said board shall keep a record of all their transactions in connection with said home and fund, and make annually, on the first day of December, a report to the Governor, of all moneys received and disbursed by them, together with such other facts and recommendations as said board may deem proper.

Acts
repealed.

Sec. 7. The following acts are hereby repealed, viz: act number thirty-one, session laws of eighteen hundred and sixty-three, being "An act for the relief of sick, disabled, and needy soldiers," approved February eighteenth, eighteen hundred and sixty-three; act number thirty-six, session laws of eighteen hundred and sixty-seven, being "An act to provide a temporary home for disabled Michigan soldiers," approved March eighth, eighteen hundred and sixty-seven; act number one hundred and fourteen, session laws of eighteen hundred and sixty-seven, being "An act to provide a soldiers' permanent home commission, and to define its duties," approved March twenty-sixth, eighteen hundred and sixty-seven; act number two hundred and twenty-eight, session laws of eighteen hundred and sixty-five, being "An act making appropriations for the soldiers' relief fund," approved March eighteenth, eighteen hundred and sixty-five.

Sec. 8. This act shall take immediate effect.

Approved March 16, 1869.

[No. 36.]

AN ACT to amend section fifty-nine, of chapter ninety, of the revised statutes of eighteen hundred and forty-six, being section three thousand five hundred and thirteen, of the compiled laws, relative to the powers, limits, and jurisdiction of the circuit courts.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section fifty-nine, of chapter ninety, of the revised statutes of eighteen hundred and forty-six, being section three thousand

five hundred and thirteen of the compiled laws, be and the same is hereby amended so as to read as follows:

(3513.) Sec. 59. The register shall then annex to the papers Papers to be filed by register. so attached together, his certificate, under the seal of the court, wherein he shall certify according to the fact, the time when the said papers were so attached for the purpose of enrollment, and the name or names of the parties at whose instance the same was done; and thereupon, the said papers so attached, annexed, and signed, together with said certificate, shall be filed by the register, and remain a record in his office; and such certifying and filing shall be deemed an enrollment of the decree and proceedings, for all purposes whatsoever.

Approved March 16, 1869.

[No. 37.]

AN ACT to provide for the transfer of the right, title, and interest of the State in and to certain lands granted by Congress to aid in the construction of a railroad from Grand Rapids to Traverse Bay.

SECTION 1. *The People of the State of Michigan enact, That* Confirming lands to Grand Rapids and Indiana R. R. Company. the right, title, and interest of the State of Michigan in and to so much of the lands granted by the United States to aid in the construction of a railroad from Grand Rapids to Traverse Bay, under an act of the Congress of the United States, approved June third, eighteen hundred and fifty-six, and the act amendatory thereof, approved June seventh, eighteen hundred and sixty-four, as are situated opposite to and coterminous with that portion of the Grand Rapids and Indiana railroad already completed, which commences at a point thirteen hundred feet south of Bridge street, in the city of Grand Rapids, Kent county, Michigan, and terminates in the village of Cedar Springs, in said county of Kent, for which a certificate has been issued by the Governor of the State to the Secretary of the Interior, be and hereby is fully vested and confirmed in the said Grand Rapids and Indiana Railroad Company and

assigns, as fully and effectually, to all intents and purposes, as if patents had been issued by the State, and delivered to said company therefor.

When
further
confirmation
to be made.

Limit of
time.

Governor's
certificate.

Sec. 2. When, and as soon as said Grand Rapids and Indiana Railroad Company shall complete, in accordance with the laws of this State and of the United States, twenty continuous miles of the said railroad north from the northern terminus of their said road at Cedar Springs, provided the same shall be fully completed as aforesaid, on or before the first day of July, eighteen hundred and sixty-nine, in accordance with the provisions of act number fourteen, of the session laws of eighteen hundred and sixty-seven, and the Governor of the State shall duly certify to the completion thereof to the Secretary of the Interior, the right, title, and interest of the State of Michigan, in and to so much, and all and singular of the said granted lands as are situated opposite and coterminous with such additional section of twenty miles of railroad, applicable thereto by the acts of Congress, shall thereupon be vested and confirmed to the said Grand Rapids and Indiana Railroad Company and its assigns, in like manner and with like effect as in the preceding section provided.

On comple-
tion of forty
miles north
of Cedar
Springs.

Time limited

Governor's
certificate.

Sec. 3. When, and as soon as said Grand Rapids and Indiana Railroad Company shall have completed twenty other continuous miles of their said railroad north from the northern terminus of their said road, in the last preceding section mentioned, and so that the northern extremity of the said railroad shall be forty continuous miles north from Cedar Springs, in the county of Kent, provided that the same be fully completed, as aforesaid, by the first day of January, one thousand eight hundred and seventy-one, and the Governor of the State shall certify the same to the Secretary of the Interior as aforesaid, the right, title, and interest of the State of Michigan, in and to so much and all and singular the said granted lands, as are situate opposite to, and coterminous with such additional twenty continuous miles of completed railroad, as are applicable thereto by the acts of Congress, shall thereupon be vested and con-

firmed in the said Grand Rapids and Indiana Railroad Company and assigns, in like manner, and with like effect as hereinbefore provided.

Sec. 4. Whenever the said Grand Rapids and Indiana Railroad Company shall thereafter complete a section of twenty continuous miles of their said railroad, north from the last mentioned twenty miles, until the said road shall be fully completed to the proposed northern terminus of said railroad, provided said company shall fully complete at least twenty continuous miles of said railroad north, as aforesaid, in each year, from and after the said first day of January, eighteen hundred and seventy-one, and the same shall be duly certified by the Governor to the Secretary of the Interior, the right, title, and interest of the State of Michigan, in and to so much and all and singular of the said granted lands as are situated opposite to and coterminous with each such additional twenty continuous miles of railroad, applicable thereto by acts of Congress, shall thereupon be vested and confirmed in the said Grand Rapids and Indiana Railroad Company and assigns, in like manner and with like effect as hereinbefore provided.

Completion of twenty miles each year after 1871.

Governor's certificate.

Sec. 5. The said Grand Rapids and Indiana Railroad Company, receiving said grant of lands, and the title of the State therein, shall at all times afford equal facilities for the transportation of freight and passengers with each and every railroad connecting or intersecting therewith, without discrimination in favor of or against any or all of said railroads.

Freights, etc., facilities to companies intersecting.

Sec. 6. In case the said Grand Rapids and Indiana Railroad Company shall fail to complete the twenty miles north from Cedar Springs, in compliance with the provisions of section two, on or before the first day of July, in the year eighteen hundred and sixty-nine, or shall thereafter fail to complete the next successive twenty miles north by the first day of January, eighteen hundred and seventy-one, or shall from time to time thereafter fail [to] complete the twenty continuous miles of railroad, as

How conditional rights may be for feited.

Duty of
board of con-
trol.

Conditions
of transfer
of land to
any other
company.

Further duty
of board of
control.

hereinbefore provided, such failure shall cause and be a forfeiture to the State of all the rights and interests of said railroad company in and to so much of said lands heretofore granted to it conditionally, the title to which shall not have been confirmed in or earned by such company according to the provisions of this act. The board of control of this State shall, in case of such forfeiture, without delay, confer the lands so forfeited, as aforesaid, upon such other railroad company as in the opinion of said board shall be able to comply with the terms of said grant; but said lands shall not be conferred upon any company unless such company shall also build the portion of the present line of road of the Grand Rapids and Indiana Railroad Company between the city of Grand Rapids and Sturgis, or refund to the municipalities on the line of such road, as now located, the full amount of aid heretofore rendered by them in the construction of that portion of said road, with the interest thereon, nor unless such company shall also afford the same facilities for the transportation of freight and passengers, on connecting and intersecting lines of railroads, as are herein provided for the Grand Rapids and Indiana Railroad Company; and it is hereby made the duty of said board to act at once, in case of forfeiture as aforesaid, and in case of forfeiture, to require the railroad company to whom such lands may be transferred to construct its railroad as rapidly as possible, so as to conform as nearly as in the judgment of said board may be practicable to the spirit of this act.

Sec. 7. This act shall take immediate effect.

Approved March 17, 1869.

[No. 38.]

AN ACT to prevent trespass upon cranberry marshes.

Penalties for
trespass.

SECTION 1. *The People of the State of Michigan enact, That if any person shall enter the premises of any other person, and take and carry away cranberries or cranberry vines there growing,*

shall trample or otherwise injure or destroy the cranberry vines growing thereon, without the permission of the owner or occupant of said premises, such person shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail not less than five days, or by fine not less than five dollars, and costs of prosecution, or both such fine and imprisonment, in the discretion of the court; and ^{Further penalties} if any of the offenses mentioned in this section shall be committed on the first day of the week, or in disguise, or secretly in the night-time, between sun-setting and sun-rising, on conviction thereof the punishment shall not be less than twenty dollars fine, or imprisonment in the county jail not less than ten days, or both, at discretion of the court.

Sec. 2. Any person who shall commit any of the acts of trespass in section one of this act, shall be liable in treble damages, ^{Treble damages.} in an action of trespass to be brought in the name of the owner or occupant of the land upon which said trespass may have been committed.

Sec. 3. This act shall take immediate effect.

Approved March 17, 1869.

[No. 39.]

AN ACT authorizing the locating, establishing, and constructing of ditches, drains, and water-courses by highway commissioners of townships, and repealing all acts relating thereto.

SECTION 1. *The People of the State of Michigan enact, That* ^{Proceedings to establish ditch, etc.} when any persons in any township or townships shall agree upon the locating and constructing of any ditch, drain or water-course, and shall enter into a written agreement, signed by all the persons along or across whose lands such ditch, drain, or water-course is to run, specifying the place of beginning, the route and terminus, also the dimensions, and the number of feet or sections in length to be constructed by each person, and the compensation to be paid, if any agreed upon, and to whom,

and by whom, and when to be paid, and a map shall be made, setting forth all of the above particulars, and the same, on being attached to the agreement, shall be presented to the commissioners of highways of any township, together with a sufficient amount of money to pay expenses incurred by such commissioners, they may examine and approve such proceedings, and endorse their approval thereon, and file the same in the town clerk's office of their township; and when such ditch, drain, or water-course shall extend into two or more townships, then duplicate copies shall be made and presented to the commissioners in each township, and be filed as above provided; and such ditch or drain shall be held to be fully established by law, and entitled to full protection from obstructions or damage.

Where filed.

When ditch, etc., extends into two or more townships.

Petition to commissioners.

By whom signed.

What petition to set forth.

Petitioners to file bond.

Notice by commissioners.

Sec. 2. That before the commissioners of highways of any township shall take any steps towards locating, establishing or constructing any ditch, drain or water-course, there shall be filed with such commissioners, or one of them, a petition signed by one or more persons, and where such proposed ditch, drain or water-course shall run along, by or across the lands of more than two persons, then such petition shall be signed by a majority of all the resident owners of lands so affected. Said petition shall set forth the necessities of the same, with a description of its starting point, route and terminus, and such petitioners shall file with the commissioners of highways a good and sufficient bond with securities, at the time of filing said petition, conditioned to pay all costs and expenses incurred, in case such commissioners of highways shall fail or refuse to locate and establish such ditch, drain or water-course. Upon such papers being filed, the commissioners of highways shall give notice in writing, by posting three written or printed notices along the route of such proposed ditch, drain or water-course, and two in two of the most public places in the township, setting forth the time and place of meeting to determine such petitions, also the description of such proposed ditch, drain, or water-course, and its proposed route and terminus;

and if any person owning lands sought to be affected by said proceedings be a non-resident of the county, a notice such as is contemplated by this section shall be given him by publication for two consecutive weeks in some newspaper of general circulation in the county, and such meeting of commissioners shall take place not less than five days after the last publication of such notice.

Sec. 3. Such commissioners, or a majority thereof, shall meet at the time and place appointed, and shall proceed to examine the route of such proposed ditch or water-course, and to determine the petition, and examine all applications for compensation for land to be used in constructing such ditch or water-course, and may call an engineer to their aid, and adjourn from time to time, not exceeding ten days at any one time, as the necessities of the case may require; and if they deem it advisable and beneficial, they shall proceed to locate and establish such ditch or water-course by staking the same off into sections of one hundred feet, commencing at the terminus, and they shall then set off and award a fair and equitable proportion of work to be performed in constructing such ditch or water-course, and the amount of fees and expenses to be paid by each one, and the amount to be paid for compensation, to whom, and by whom, and when to be paid, and the time when such work shall be completed, and shall furnish each person interested, with a statement setting forth the particulars as above specified: *Further*, They shall make, or cause to be made, a map of such ditch, drain or water-course, designating the sections, and the distances and numbers of sections, or parts thereof awarded to each one, and the starting point, route, and terminus thereof, which map shall be filed in the township clerk's office of the township.

Sec. 4. If such commissioners on such examination and hearing, determine not to establish such ditch or water-course, then such petitioners shall within five days thereafter, pay over to said commissioners, or one of them, all just and legal fees

and expenses incurred in such proceeding, or be liable to have the same collected by civil process.

When claim
for pay for
land must be
filed.

Sec. 5. If any person claiming compensation for land under this act, resident or non-resident of such county, shall fail to file such claim for compensation with the said commissioners, on or before the day set for hearing and determining the petition, he shall be held to have waived all right to appeal, and shall be barred from any claims or redress, either in law or equity:

Proviso.

Provided, Said commissioners have complied with the conditions of this act: *And, further*, That the death of any party shall not work an abatement of proceedings in any case thereof.

Proceedings
of appraise-
ment by jury

Sec. 6. That if on the day the commissioners announce their decision, or within ten days thereafter, any person who may have filed a claim for compensation, as before mentioned, shall refuse to abide by the same, or who may deem himself unjustly assessed, shall give notice to the commissioners, and demand an appraisement by a jury of twelve disinterested freeholders of the township, and at the same time he shall file with such commissioners a bond with two sureties, conditioned to pay all costs and expenses, provided he shall not recover or have such compensation increased, or assessment complained of changed to the amount of twenty-five dollars, by award of such jury, and further, that he will abide by their decision, and

Filing of no-
tice demand-
ing jury.

waive all right to an appeal in the case; thereupon said commissioners shall file the notice demanding a jury, and the bond accompanying it, with some justice of the peace in the township, and direct said justice to impanel a jury of twelve disinterested freeholders, and set a day, within eight days, for a hearing in the case; and the party demanding such jury shall be notified by one of the commissioners of such meeting. On the day set

Jury shall be
sworn.

for hearing, such jury shall be organized and sworn, as is usual in civil cases, and the person calling such jury, and the commissioners shall have all the rights of plaintiff and defendant in such organization; and in examining witnesses, such justice shall hear and determine all questions and evidence offered to such jury, and shall direct them to visit and examine such ditch

Rights of
parties.

or water-course, and lands affected thereby, together with all or any claims for compensation, and render their verdict in writing, to such justice within three days thereafter. Said commissioners shall furnish the justice with a true copy of the map of such proposed drain or water-course, and a plat of all the lands affected thereby, to aid the jury in determining the case. Upon the rendering of the verdict of the jury, the justice shall certify the same to the commissioners, and order them to enforce and carry out the particulars contained in such verdict. The commissioners shall thereupon notify any person who may be affected by such verdict, by furnishing a statement similar to the one mentioned; and they shall file with the township clerk the order of such justice, together with the verdict, and a transcript of costs, which shall also be furnished. In case such jury shall fail to agree, the party calling for the same shall be entitled to another jury, or successive juries, upon paying all the costs incurred in each case before the impanneling of another jury; and in case he recovers as before provided, then the costs shall be taxed equitably upon all the lands affected by such ditch or water-course: *Provided*, That if the jury shall certify that the taking of such land is not necessary for the purpose of locating such ditch or water-course, then all proceedings shall be stayed for twelve months, at the end of which time another jury may be demanded if the parties interested desire it, and costs are paid as in former case: *Provided*, That all costs for services by having commissioners, justices of the peace, constables, jurors, and surveyors, in carrying out the provisions of this act, shall be the same as is provided by law in civil cases, as fees for such officers.

Sec. 7. That if on the day set for examination, it shall appear that any lands through which such proposed ditch, drain, or water-course may pass, belong to a non-resident, and he or they fail to appear, by themselves or otherwise, then such commissioners shall adjourn such examination a sufficient length of time, and shall cause some justice to impanel a jury, in the same manner as before provided in section six of this act, and

Justice to
receive copy
of map.

Justice to
certify ver-
dict.

Notice.

Filing of or-
der of justice

Disagree-
ment of jury

Proviso.

Id.

When lands
belong to a
non-resident

shall direct such jury to view the premises; and in all manner the same proceedings shall be had as provided heretofore. Such justice shall certify their verdict and the costs to the commissioners, and they shall proceed as before directed, taxing the costs equitably in this case against all the lands.

Powers of commissioners in extending time, etc.

Sec. 8. That at the expiration of the time given, if it shall appear that any of said work is not completed, then the commissioners may extend the time to the original contractor, or may give notices, in the same manner as is before required to be given to residents and non-residents in section two of this act, specifying a day when and where they will sell such work to the lowest responsible bidder, the same to take place at or near said ditch, and not less than five days after posting or publishing last notice, as the case may be.

Power to reject bids and adjourn sale.

Sec. 9. At the hour appointed, they shall proceed to sell such work to the lowest responsible bidder, in sections, and may reject any and all bids, if deemed exorbitant, and may adjourn such sale from time to time, as may become necessary to sell such work, as may seem to them just and equitable, not exceeding twenty days in all; also they shall furnish each purchaser of work, a description of the same, and the time in which it is to be completed, and shall require such purchaser to sign a contract, with two good sureties, for the faithful performance of such work, and said commissioners shall file a record of their proceedings with the township clerk, as before provided.

To furnish purchasers description of work, etc.

To file record with town clerk.

Delinquent ditch tax; how collected.

Sec. 10. That if on the first day of November after the letting of such work, as specified in section ten of this act, such apportionments for fees, costs, and compensation shall not have been collected, and the amount for which such work was sold shall not have been paid, then the commissioners of highways shall certify such amounts, or so much thereof as may be deemed necessary for the current year, to the supervisor of the township, specifying the piece or parcel of land by usual subdivisions, the amount to be assessed against each owner or piece thereof; and such supervisor shall enter the same upon

his tax roll, in a column entitled "delinquent ditch-tax," to be levied and collected in the same manner as other taxes, and to be paid out by the treasurer, upon the order of the highway commissioners, to the persons entitled to receive the same.

Sec. 11. When the taxes so levied shall not be collected by the township treasurer, the land upon which they are levied shall be returned, advertised, and sold in the same manner as is provided for in other cases; and the county treasurer shall pay to the township treasurer all such taxes, as soon as collected, to be paid out as before provided.

Sec. 12. The power herein conferred upon commissioners of highways, shall extend to deepening, widening, and cleaning out any ditch, drain, or water-course that may have been established heretofore, or that may be hereafter established: *Provided*, The same requirements are followed out, as in locating and constructing ditches or water-courses under this act.

Sec. 13. That commissioners of highways shall have full power, and are required to prosecute, and recover before any justice of the peace in the township, not less than ten nor more than one hundred dollars and costs, as a penalty for willfully obstructing or damaging any ditch, drain or water-course, and to pay the same over to the township board, for the use of the school library fund in the township where the same was recovered.

Sec. 14. That where it is desired to extend a ditch, drain, or water-course into one or more townships, notice must be given, by filing with the commissioners of each township, a petition signed by a majority of residents affected thereby, in their respective townships, also a bond with two sureties, as before required; such petition must set forth, as nearly as may be, the starting point and terminus, also the route of such ditch or water-course. A day shall be agreed upon by the commissioners of all the towns interested, and the proper notices given, as provided in section two of this act.

Sec. 15. Upon the day set they shall meet at the place appointed, and if they agree to locate such ditch, and establish

Proviso.

the starting point, route, and terminus, and the amount of expenses to be assessed by the commissioners of each township upon the resident owners affected therein, then the commissioners of each township shall proceed to locate, establish and construct such ditch, assess owners of land, and in all respects carry out the law as is required in locating ditches or water-courses in single townships: *Provided*, That the joint board of commissioners shall furnish a map of the ditch, together with a record of joint proceedings, to be filed in the township clerk's office in each township.

Law re-
pealed.

Sec. 16. That all laws or parts of laws authorizing the locating, establishing, or constructing of ditches, drains and water-courses, be and the same are hereby repealed, so far as the same relates to commissioners of highways in townships.

Approved March 17, 1869.

[No. 40.]

AN ACT to amend section five thousand six hundred and fifty-four of the compiled laws, being section eighteen, of chapter one hundred and fifty, title twenty-nine, of the revised statutes of eighteen hundred and forty-six, relative to the fees of jurors.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section five thousand six hundred and fifty-four, of the compiled laws, being section eighteen, of chapter one hundred and fifty, title twenty-nine, of the revised statutes of eighteen hundred and forty-six, be amended so as to read as follows:

Compensation
of jurors

Sec. 18. Each grand and petit juror, and each talesman shall be entitled to receive two dollars for each day's attendance, and one dollar for each half day, upon any term of the circuit court, or before any court of record having a seal, on the trial of a cause, and ten cents for each mile traveled in going and returning by the nearest traveled route, to be paid out of the treasury of the county, on the certificate or order of the clerk or judge of such courts; and each juror sworn in any action in

a justice's court, or before any officer in any special proceedings allowed by law, or before any sheriff upon any writ of inquiry, shall be entitled to fifty cents, to be paid in the first instance by the party requiring such jury; and that each juror sworn before any coroner or justice of the peace, on any inquest taken by either of them, shall be entitled to two dollars for each day's attendance, and one dollar for each half day's attendance on such inquest, the accounts of such service to be allowed by the board of supervisors, and the board of county auditors of Wayne county, on the certificate of such coroner or justice.

Approved March 17, 1869.

[No. 41.]

AN ACT to amend section two thousand and seventeen, of the compiled laws, being section nine, of chapter sixty-eight, of the compiled laws, relative to religious societies, as amended by act number seventy-three, of session laws of eighteen hundred and sixty-seven, approved March twenty-first, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section two thousand and seventeen of the compiled laws, being section nine, of chapter sixty-eight, of the compiled laws, relative to religious societies, as amended by act number seventy-three, of the session laws of eighteen hundred and sixty-seven, approved March twenty-first, eighteen hundred and sixty-seven, be amended so as to read as follows:

Sec. 9. The said trustees, or wardens and vestrymen shall Powers of trustees.
also have authority, under the direction of the society, to sell and convey, mortgage, or release [lease] any real estate belonging to such society, or held by them as such trustees or wardens and vestrymen, and to erect churches and meeting houses, and dwelling houses for their ministers or priests, and other buildings for the direct and legitimate use of their church, congregation or society, and to alter and repair the same, but for no secular purpose: *Provided, That no such sale or conveyance* Provided.

shall be made in any case where it would be inconsistent with the express terms or plain intent of the grant, donation, conveyance, or devise by which the same was conveyed or devised to or for the use of such church, congregation or society; nor unless the vote or assent of at least two-thirds of those present and entitled to vote, at any meeting of the society duly and specially called for that purpose, shall be obtained therefor.

Sec. 2. This act shall take immediate effect.

Approved March 17, 1869.

[No. 42.]

AN ACT to reorganize the sixth and to create the sixteenth Judicial Circuit.

Sixth circuit
re-organized.

SECTION 1. *The People of the State of Michigan enact, That* the counties of Lapeer and Oakland shall be formed into and be one judicial circuit, to be known and designated as the sixth judicial circuit.

Sixteenth
circuit crea-
ted.

Sec. 2. The counties of Macomb, St. Clair, Sanilac, and Huron, shall be formed into and be one judicial circuit, to be known as the sixteenth judicial circuit.

Election in
sixteenth for
full term.

Sec. 3. The qualified voters of the counties of Macomb, St. Clair, Sanilac, and Huron shall, on the first Monday in April, in the year of our Lord one thousand eight hundred and sixty-nine, at the regular township meetings to be held in the respective townships of said counties at that time, elect a circuit judge for the full term, commencing January first, eighteen hundred and seventy.

Judge of
present cir-
cuit to hold
office until
January 1,
1870.

Sec. 4. The judge of the present sixth judicial circuit shall continue to hold his office as judge of the sixth judicial circuit, as herein reorganized, for the balance of his unexpired term, and shall continue to hold his terms throughout his present circuit, until the first day of January next.

Election;
notice of.

Sec. 5. It shall be the duty of the sheriffs of the several counties mentioned in the third section of this act, at least ten

days previous to the first Monday of April, eighteen hundred and sixty-nine, to notify the township clerks of the several townships in their respective counties, of the election aforesaid for circuit judge; and the township clerks shall post notices, in the usual manner, for such election in their townships at least five days previous to the day of election.

Sec. 6. The said election for circuit judge shall be conducted, and returns made as provided by law for the election of judges for the several judicial circuits of this State; and the State canvassers shall, without delay, on receipt of the certified statement of the votes given in the said counties, proceed to canvass said votes, and deliver to the person elected a copy of their determination, as required by law; and no person shall hold the office of circuit judge of said judicial circuit unless he shall be a resident thereof.

How conducted.

State canvassers.

Residence of judge.

Sec. 7. The qualified voters of the counties of Oakland and Lapeer shall, on the first Monday in April, in the year one thousand eight hundred and sixty-nine, at the regular township meetings to be held in the respective townships of said counties at that time, elect a circuit judge for the full term, commencing January first, eighteen hundred and seventy.

Election of judge for full term in sixth circuit.

Sec. 8. The judge of the present seventh judicial circuit shall continue to hold his office as judge of the seventh judicial circuit, for the balance of his unexpired term, and shall continue to hold his terms in the county of Lapeer until the first day of January next.

Term of Judge of present seventh circuit.

Sec. 9. It shall be the duty of the sheriffs of the counties of Oakland and Lapeer, at least ten days previous to the first Monday of April, in the year eighteen hundred and sixty-nine, to notify the township clerks of the several townships in their respective counties, of the election aforesaid for circuit judge; and the township clerks shall post notices in the usual manner, for such election in their townships, at least five days previous to the day of election.

Duty of sheriffs in Oakland and Lapeer counties.

Sec. 10. The said election for circuit judge of said sixth judicial circuit shall be conducted, and returns made as provided

Election for judge of sixth circuit.

How con-
ducted.
State can-
vass.

by law for the election of judges for the several judicial circuits of this State; and the State canvassers shall, without delay, on receipt of the certified statement of the votes given in the said counties, proceed to canvass said votes, and deliver to the person elected a copy of their determination, as required by law; and no person shall hold the office of circuit judge of said sixth judicial circuit, unless he shall be a resident thereof.

Residence of
judge.

Sec. 11. All acts contravening the provisions of this act are hereby repealed.

Sec. 12. This act shall take immediate effect.

Approved March 18, 1869.

[No. 43.]

AN ACT to provide for the draining of swamps, marshes, and other low lands.

Election of
drain com-
missioner.

SECTION 1. *The People of the State of Michigan enact, That there may be one drain commissioner elected by the people in any organized county of this State; and if in such counties there shall be drain commissioners holding appointments under this act, the office of said commissioners shall cease when the said drain commissioner shall be duly elected and qualified, and shall have filed his bond, according to the provisions of this act.*

When held.

How con-
ducted.

Canvass, etc.

Sec. 2. The first election of the county drain commissioner shall be held on the first Monday of April, one thousand eight hundred and sixty-nine, and every two years thereafter. The election provided for by this act shall be conducted, as near as may be, in the same manner and by the same officers, and the inspectors of election shall make the same canvass, statement, and returns as is provided by law for the election of a judge of the Supreme Court; and said drain commissioner shall be voted for on the same ballot as the judge aforesaid; and the board of county canvassers shall determine and declare the persons thus elected to the office of county drain commissioner.

Sec. 3. A certificate of election shall be immediately issued by the county board of canvassers to the person so elected to the office of county drain commissioner, who shall, within twenty days thereafter, take and subscribe the oath of office prescribed by the constitution of this State, and deposit the same with the county clerk, to be filed and preserved in his office, when it shall be the duty of said drain commissioner to execute to the county a bond, with two or more good and sufficient sureties, in such sum as the county treasurer and the sheriff of the county may require, and shall file said bond with the county clerk. He shall leave his post-office address with the county clerk, and shall enter upon the duties of his office on the first day of May following, and shall preserve a record of his official acts in a book or books, to be furnished at the expense of the county, and delivered to his successor in office. Said commissioner shall file and preserve in his office, certified copies of all accounts against the drainage fund, and draw all orders on the drainage fund for the payment of such accounts. A vacancy in said office of drain commissioner may be filled by the judge of probate of said county.

Oath of commissioner; where filed.

Bond; where filed.

P. O. address of commissioner.

Preservation of accounts.

Vacancy.

Sec. 4. Upon application to him, in writing, of ten or more owners of land in each township in or through which they ask to have a drain constructed, for the construction of any drain or drains under this act, it shall be the duty of said commissioner to examine personally the swamp or low lands designated in such application, and if, in his opinion, such swamp or low lands should be drained, under his authority, he shall try to obtain a release of the right of way and other damages, from every person through whose land such drain or drains are to pass. If he obtain such release, he shall proceed to make such examination, by surveys or otherwise, as may be necessary to determine the route, width, length, and dimensions of any drain or drains required to be cut in any lands designated in such application, and the lands to be benefited thereby, and shall set division stakes at uniform distances, and not more than twenty rods apart, along the proposed line of every drain he

Application for drain; duty of commissioner.

Proceedings when he obtains right of way.

decides to construct, and indicate distinctly on each stake, the number of the division from the place where such drain is to begin.

When right
of way can-
not be ob-
tained.

Selection of
jury.

Jury; how
summoned.

How panel
filled when
jury does not
appear.

Sec. 5. If such release cannot be obtained in a reasonable time, said commissioner shall issue an order, under his hand, directed to the sheriff or any constable of said county, to write down the names of twenty-four freeholders, residents of said county, and not interested in the drain or drains in reference to which they are to act, and qualified to be jurors in the circuit court in said county. Such officer shall thereupon write down the names of twenty-four such persons, and give notice to said commissioner, and to such of the persons through whose lands such drain or drains will run, as reside in the township or townships through or into which such drain or drains will pass, and can be found therein, that he will leave such names at the house of some justice of the peace in one of said townships, naming such justice, the place and time to be named in such notice, and the time, not less than four days from the time of giving such notice, and that at said place and time a jury will be struck from such list of names. At the time and place appointed, said commissioner shall strike off six names, and the person or persons interested in said drain or drains shall strike off a like number; and if either or both parties fail to strike off, such sheriff or constable shall do so for him or them, and the names remaining on such list shall form the jury; and thereupon said commissioner shall issue a *venire*, under his hand, directed to any constable, or to the sheriff of said county, commanding him to summon said jury to be and appear before said commissioner, at a time and place to be named in said *venire*, to determine the necessity for the construction of any such drain or drains, and the amount of damage sustained by any person or persons owning or interested in any of the lands through which such drain or drains may be constructed. If the jury shall not all appear within one hour after the time of appearance named in said *venire*, said commissioner shall direct the officer to summon a sufficient number

of competent jurors, as aforesaid, as talesmen, to complete the panel; and when the panel shall be full, said commissioner shall administer unto each juror an oath, well and truly to examine and determine the necessity for constructing said drain or drains, and to assess the damages sustained by any person or persons owning or interested in the lands through which the same shall pass. Said jury shall thereupon proceed to examine such swamp, marsh, or other low land, to determine the necessity for constructing such drain or drains, and if they shall, on a careful examination of the whole matter, be of the opinion that it is necessary to construct said drain or drains, they shall proceed to assess the damages which any person or persons shall sustain by reason of the construction of the same, and shall certify, in writing, their doings, and the amount of damages so assessed, to said commissioner; and said jurors shall each be entitled to receive one dollar per day, and six cents per mile for traveling, in going to the place or places where such drain or drains shall be located, to be paid according to the provisions of this act.

Oaths of
jurors

Examination
by jury.

When jury
shall assess
damages.

Their certifi-
cate to com-
missioner.

Per diem and
mileage.

Sec. 6. Said commissioner may, instead of calling a jury as provided in section five of this act, apply to a court of record having jurisdiction in said county, for the appointment of three special commissioners to examine such swamp, marsh, or other low land, and determine the necessity for the construction of any drain or drains therein, and the amount of damages that any person or persons will sustain thereby. It shall be the duty of said court of record, on such application, to appoint such special commissioners, and deliver to said drain commissioner a certificate of the appointment of said commissioner, and the commissioners so appointed shall determine the necessity for constructing any drain or drains so applied for, and assess the damages to which any person or persons shall be entitled by reason of the construction thereof, in the same manner and under the same restrictions imposed on a jury of freeholders in section five of this act, and shall certify in writing, their determination to said drain commissioner.

Commis-
sioner may
apply to
court of
record.

Court to ap-
point special
commis-
sioners; certifi-
cate of.

How owners
of land may
construct
drain.

Sec. 7. If at this or at any prior stage of the proceedings, all the owners of the lands through which such drain or drains are located shall, by themselves, their agents, or attorneys, pay to said commissioner all the costs and expenses thus far incurred

Contract for.

by him, and severally enter into contract with said commissioner, with good and sufficient surety, and in such sum as said commissioner may require, to construct so much of said drain, and on such route, and of such dimensions as said commissioner may in said contracts determine and assign to said owners respectively, and the expenses to be incurred in accepting said contracts or otherwise, and collection in case of non-fulfillment, then said commissioner may so contract with said owners; and such drain, when so finished and accepted, shall be recorded by said commissioner as a drain lawfully constructed, in pursuance of the provisions of this act. If any of said contracts are not fulfilled by the time limited therein, said commissioner may prosecute the same to final settlement and collection, with all lawful costs and expenses attending such collection.

Record of
accepted
drain.

Provision for
assessing ex-
penses on
lands bene-
fited.

Sec. 8. If all the owners of lands through which such drain or drains are located shall not pay the expenses incurred, and contract to build such drain or drains, as provided in section seven of this act, said commissioner shall make, or cause to be made, maps of said lands, designating thereon the length, depth, width, position, and direction of every ditch or drain by him laid out and established, also the number of acres of every section or part of section of lands to be benefited by said ditches or drains, and shall estimate and assign the construction of an equitable part or parts of such drain or drains to each parcel of land to be so benefited, describing such parts of drains by said division stakes, and stakes subdividing such divisions, if need be. And where such drain or drains will benefit high-ways, said commissioner shall estimate also the amount of such benefit, and assign the same to the township to which such highway belongs. He shall also make an estimate of the sum necessary to be raised to pay the incidental expenses of making

Where drain
benefits
highway.

such ditches or drains, and for damages, if any, and the portion thereof that ought to be assessed on each parcel, section, or part of section of land to be benefited thereby, and the amount to be raised in each township for such incidental expenses and damages. The incidental expenses, damages, and expense of construction of drains shall be assessed on the several parcels of lands benefited or injured, in proportion to the benefit or injury to accrue to each such parcel of land from such drains: *Provided*, That no assessment shall be levied on the lands not actually benefited. Proviso.

Sec. 9. Said commissioner shall give at least fifteen days' public notice in some newspaper published and circulating near such drain or drains, of the time or times when, and the place or places where he will meet parties to contract for the excavation and construction of such drain or drains, such place or places to be convenient of access by the people resident near and interested in the proposed drain or drains; and at least three such notices shall also be posted in the most public places of travel and resort in each township, and, as near as may be, along the line of such proposed drain, at least ten days next preceding such meeting. Said commissioner shall also name in or in connection with such published and such posted notices a convenient place near such drain or drains, and a time not less than three days, nor more than five days prior to the day fixed in said notices for letting the construction of such drain or drains, at which place and time he will exhibit maps of the proposed drain or drains, and descriptions of the several parcels of land by him deemed to be benefited thereby, and the amount and description, by divisions and subdivisions, of the proposed drain or drains by him apportioned to the owner of each description of land to construct, and to each township to construct on account of such drains benefiting highways, if any such benefit there be, and hear reasons, if any are offered, why such apportionments should be reviewed and corrected. And if at this time two-thirds of the persons whose lands are to be taxed for such drain or drains enter a protest against said

Notice of
meeting for
letting con-
tract.

Exhibit of
maps of
drain.

Protest
against drain

Revision of
apportion-
ments.

Execution of
contracts.

When owner
of land neg-
lects to con-
tract.

Expenses,
etc., levied on
land.

When no
suitable land
owners or
bidders ap-
pear.

drain, and pay the costs and expenses up to this time, all proceedings for the construction of said drain or drains shall be suspended for one year. Between such day of hearing and review and the appointed day of letting, the commissioner shall, if need be, revise and correct his apportionments of such drain or drains. At the time and place for letting named in said notices, the owner of each such parcel of land, or his or her agent or attorney, may appear, and make and execute to said commissioner a contract or contracts, with good and sufficient surety, for the faithful performance of the excavation and construction within the time limited by said commissioner in such contract or contracts, of so much of such drain or drains as said commissioner has adjudged or set off to such land. When any part of such drain or drains is offered to be let, and the owner of the land to which it is assigned, or his or her agent or attorney, shall not at once, and without unnecessary delay, enter into contract as aforesaid, to excavate and construct the same, as provided in this section, it shall be the duty of said commissioner to let the same to the lowest responsible bidder or bidders therefor, who shall execute and file a contract or contracts, with good and sufficient surety, as aforesaid, with said commissioner, for the faithful performance of the excavation and construction of the same, according to said contract or contracts; and the cost of such excavation and construction, and its portion of the incidental expenses and damages, shall be levied and assessed upon the land to which such part or parts of said drain or drains have been assigned, as aforesaid. If at the time of letting said drain or drains, according to said notice, no suitable land-owners or bidders for the construction of the same, or any part thereof, appear to take or bid and contract, with good and sufficient surety, for the construction and completion of the whole of the same; or for any other cause, by said drain commissioner deemed important and sufficient, he may postpone and adjourn such letting, in whole or in part, and from time to time, to such other time or times, to be by him, at the time of such adjournment, publicly announced, as shall to him seem

meet and proper, but not in all for more than thirty days from and after the time of the letting at first advertised and noticed as aforesaid. At the hearing and the letting provided for in this section, one or more of the commissioners of highways of any township named in said notice, and to which has been assigned any construction of drain, or tax for incidental expenses, or damages on account of benefit by such drain or drains to highways, may appear and act in behalf of such township. Any taxes so assessed on State lands shall be at once reported by said commissioner to the Commissioner of the State Land Office, who shall enter on the books of his office against each description of such State land, the amount of drain taxes assessed thereon; and no patent shall issue for such lands until said drain taxes are paid or otherwise provided for. Any person, resident in said county, failing or neglecting to file, in writing, with said commissioner on or before such appointed day of hearing and review, his claim for damages, or objections to such assessments, shall be held to have waived his claim for damages, and his right to appeal.

Highway
commission
er to act for
township.

Taxes on
State lands.

Patent not to
issue until
paid.
When claim
for damages
shall be held
to have been
waived.

Sec. 10. When any part or parts of such drain or drains are not finished within the time limited by contract, said drain commissioner may, in his discretion, at any time thereafter, extend such contract or contracts, or re-let such unfinished drain or drains, or any part thereof, by public sale or otherwise, after not less than five days' notice thereof, to the lowest responsible bidder or bidders, and shall take security, as before. The cost of completing such parts, and the expense of notices and re-letting shall be collected by said commissioner, of the parties at first contracting to construct the same, or partly collected of such parties, and partly assessed on the lands to which the construction of such parts was assigned, as may be deemed just and equitable; and said commissioner shall see and provide that the finished portions of any drain by him laid out, established and constructed, shall have free outlet, as far as may be, within the limits of his jurisdiction.

Extension of
contracts.

Re-letting
drain.

Who to pay
expense of.

Free outlet
of drains.

Report of
commissioner to
board of su-
pervisors.

Townships
charged with
sums appor-
tioned.

By whom
collected,
and to whom
paid.

Provido.

Delinquent
tax returned
to Auditor
General.

When State
Treasurer
to refund tax
to county.

Power of
commission-
er to re-lo-
cate, alter
and extend
drains.

Sec. 11. Said commissioner shall make a full report of all his doings in the premises, accompanied with maps, and with surveys if necessary, and all other matters needful to a full exhibition of his action on such drain, and present the same to the board of supervisors at their next annual meeting, using such blanks and forms as may be necessary for this purpose; and the board of supervisors shall, at said meeting, charge the aggregate sums as they are so apportioned, against the proper townships, and direct the supervisor of each township in which any portion of said drain or drains may be ordered to be constructed, or tax levied, to levy the same upon the several parcels of land described in said report of his township, according to the apportionment of said commissioner, and direct the township treasurer to collect and pay said sums to the county treasurer, in like manner, and at the same time with other taxes: *Provided*, Said report and apportionment shall contain a description and assessment of all lands through which such drain or drains may run, or which in his opinion are actually benefited thereby; he shall also file a copy of said report with the county treasurer, after the levy of such tax by the board of supervisors.

Sec. 12. It shall be the duty of the county treasurer to return all lands upon which a tax shall be levied under this act, delinquent for such tax, to the Auditor General, and the same shall be advertised and sold therefor, at the same time, and in the same manner, and subject to the like redemption as lands delinquent for other taxes. In case any lands belonging to individuals charged with a drain tax shall be bid off to the State, or sold to other parties, at the tax sales, the State Treasurer shall pay over to the proper county treasurer the amount of such drain taxes.

Sec. 13. Said commissioner shall have power to re-locate any drain or drains, and to alter or vary the size, or extend the line thereof, with the consent of the contractor or contractors, if such extension be necessary to provide a suitable outlet; and the power herein conferred on said commissioner, for digging

and draining, shall also extend to and include deepening and widening, and clearing out any ditches or drains which have heretofore been or may hereafter be constructed; also straightening, cleaning out, and deepening the channels of creeks and streams; but no expense exceeding twenty-five dollars on any one drain or creek shall be charged and assessed as aforesaid, unless upon such application as provided for in section four of this act.

To deepen, widen and clear out creeks and streams.

Limit of expense.

Sec. 14. Drains may be laid along, within the limits of, or across any public road; and where any shall be so laid out and constructed, or where any road shall hereafter be constructed along or across any such drain, it shall be the duty of the overseers of highways in their respective districts to keep such drain open and free from all obstruction; and when any such drain shall cross a public highway, the overseers of the proper district shall build and keep in repair a suitable bridge over the same. And the township to which any road along or across which any drain has been made belongs, shall pay towards the construction of such drain, such sum as the drainage commissioner shall estimate as aforesaid as the benefit accruing to such road from such drain. A drain may be laid along any railroad when necessary, but not to the injury of such road; and when it shall be necessary to run a drain across a railroad, it shall be the duty of such railroad company, when notified by said drain commissioner to do so, to make the necessary opening through said road, and to build and keep in repair a suitable culvert.

Drains along highways.

Duty of overseers of highways.

Township to pay according to benefit.

Drains along railroads; company to build culvert.

Sec. 15. Whenever any tax levied for the construction of a drain under this act shall be reported back by the Auditor General to the county treasurer where the same was levied, or shall be set aside by any court of competent jurisdiction, it shall be lawful for the supervisor of the proper township to re-assess such tax on the same land where such drain has been made. And it shall also be competent for the board of supervisors, upon the recommendation of the drainage commissioner, or upon a review before them, had by appeal from the action

Re-assessment of drain tax.

or decision of the drain commissioner, to re-assess upon the various lands, or portions of land, sections, or parts of sections of land by him deemed to be benefited or damaged by any drain or drains, such amount or amounts of drainage taxes, to be assessed, levied, and collected as other State and county taxes are assessed, levied, and collected, as may be by them deemed necessary to correct any mistake or misapportionment of drain, or of taxes for the construction of the same by the drainage commissioner: *Provided*, Such appeal or review be brought before said county supervisors within one year from the time of such alleged mistake or misapportionment on the part of the said drainage commissioner, or by appeal as herein-after provided.

Proviso.

Penalties for removing stakes along line, etc.

Sec. 16. If any person shall willfully or maliciously remove any division stake set along the line of any drain laid out by and under the provisions of this act, or obstruct or injure any such drain, he shall, for each and every such offense, be subject to a fine not exceeding ten dollars, together with such sum as will be required to repair such damage, and costs of suit, which fine may be recovered in an action of debt, at the suit of said commissioner, before any justice of the peace of the proper county; and whenever recovery shall be made, and the same collected, it shall be deposited with the county treasurer for the benefit of the library fund of the township in which such drain is located.

Money paid only on order of board of supervisors.

Sec. 17. No money shall be paid by any county treasurer of any county in which a tax is assessed for the purposes of drainage, under this act, or [on] any warrant drawn by said commissioner, out of any other fund than that derived from such taxes, unless by express order of the board of supervisors.

Per diem of commissioner; how paid.

Sec. 18. The commissioner shall be entitled to receive not to exceed four dollars per day, for the time actually spent by him in performing his duties under this act, which shall be in full for time and personal expenses, to be audited by the board of supervisors, and paid out of the moneys collected by virtue of this act, or otherwise, as the board of supervisors may order.

Sec. 19. Whenever any order drawn by the commissioner shall be presented to the county treasurer, and there shall be no funds in his hands applicable to the payment thereof, the county treasurer shall endorse thereon the date of such presentation, with his signature thereto. Such orders shall draw interest from and after such presentation and endorsement. Interest on orders.

Sec. 20. Whenever it shall be deemed necessary to run a drain across any county line, the application for such drain shall be addressed to the commissioners of both counties, and the same proceedings shall be had, as near as may be, as are required on the application to the commissioner of one county, and they shall both act as one board of commissioners; and the board thus formed shall report to both county treasurers, boards of supervisors and the Auditor General, as hereinbefore provided when the drain lies in one county. When drain runs across county line.

Sec. 21. An appeal shall lie from the decision of said commissioner to a jury of six disinterested freeholders, on due application to a justice of the peace in and for the proper county, within ten days after such decision, and from the award of such jury to the board of county supervisors, by notice filed with the county clerk, within ten days after such award is rendered: *Provided*, The appellants shall, in all cases, before taking such appeal, give security for costs, with one or more sureties, to the satisfaction of the justice before whom such appeal is taken; and a review, simply to correct mistakes, or errors in fact, may in like manner be had before the board of county supervisors, at any time within one year after such mistake has been made by said drain commissioner: *And provided* further, That said appeal shall not stop the construction of any drain. Appeal from decision of commissioner. *Provided*.

Sec. 22. All bids made for any of the lands which may be sold for taxes assessed under the provisions of this act may be paid in warrants, drawn under the provisions of this act by the commissioner, on the treasurer of said county in which the lands are situated, if drawn for the construction of drains, Warrants received for tax bids.

incidental expenses, or commissioner's services, for which said lands are to be sold; and such warrant shall, if tendered, be received by the Auditor General, or treasurer of the county in which they were drawn, in payment for any such tax that may be returned delinquent.

Annual report of commissioner.

Sec. 23. For the information of all persons concerned, the said commissioner shall make a full report, in writing, to the board of supervisors of the proper county, at the next and each annual session thereafter, setting forth as nearly as practicable:

Contents.

First. What proportion of the ditches or drains, for the construction of which a tax has been levied, is completed, and the amount paid therefor;

Id.

Second. What proportion is under contract and not completed, and the amount to be paid therefor, and whether such contract or contracts are likely to be performed; also the proportion not yet under contract, and the estimated cost of their construction, and whether there is a sufficient amount of unexpended funds, created by such tax, to complete the work;

Id.

Third. What amount of such funds has been expended, and for what purpose, exhibiting the items of such expenditures as fully as may be practicable; and also, what amount of warrants has been drawn by him against such fund, and shall also report all such other matters in relation to the subject as he may deem necessary, or said board of supervisors may require.

Power of board of supervisors, to control action of commissioner.

Sec. 24. The board of supervisors of each county in which a commissioner shall be elected shall have full power and authority to control the action of such commissioner, and may order a re-assessment of the drain tax, or any portion thereof, to correct errors, as provided in section fifteen of this act, and may make any other order in relation to such ditches or drains, or other matter relating thereto, not inconsistent with the public interests or the rights of individuals, which order shall be binding on such commissioner; they shall also have power to remove such commissioner for cause deemed by them sufficient.

To remove.

Sec. 25. Said commissioner shall issue his order upon the county treasurer for the amount of such damages as may be allowed to any person or persons, their agent or attorney, by reason of the construction of any drain or drains, under this act; such order or orders shall be paid by said treasurer out of any moneys in the treasury, in pursuance of the provisions of this act.

Commissioner to issue orders upon county treasurer

Sec. 26. Whenever application shall be made, as provided in the fourth section of this act, to said commissioner, to examine any swamp, marsh, or other low land, and said commissioner shall proceed to examine the same, and it appears, on such examination, that there was not sufficient cause for making such application, and the commissioner shall so determine that no ditch or ditches asked for by said applicants is needed, said applicants shall be liable to said commissioner for the amount of all costs and expenses incurred by him in making such determination; and if said applicants shall neglect to pay the same on demand thereof being made, said commissioner may recover the same in an action of assumpsit, or on the case, before any justice of said county.

When applicants to pay costs of examination.

How commissioner may collect same.

Sec. 27. Any person or persons who shall be taxed for the construction of any drain or drains, constructed in accordance with the provisions of this act, whose lands shall not be situated on the line of said drain, shall have the right, and it shall be lawful for such person or persons to construct, dig, and excavate a drain and keep the same open, in any water-course leading from such lands into said drain, across the lands of any person or persons lying between said lands so taxed and said drain, at proper seasons of the year, and causing as little damage as possible to the owner or occupant of the lands through which such drains may be constructed.

Right of person taxed to construct through land of others.

Sec. 28. Whenever any drain shall be laid along or near the boundary line of any city or village, under the provisions of this act, and any lands within said city or village shall be benefited thereby, the said commissioner shall make an estimate of the sum that ought to be levied on each parcel of land so bene-

Drain in village.

Consent of
common
council.

fited, in the same manner, and the same proceedings shall be thereupon had, as if said lands had been included within a township; and whenever said commissioner shall find it necessary, he may, with the consent of the common council or trustees, lay and construct any drain, partly in a township and partly in a city or village; and may, in like manner, estimate the sums that ought to be levied on any parcel of land within such city or village, that shall be benefited by such drain, and the same proceedings shall be thereupon had, and the sums collected in the same manner, as if said lands were situated in a township.

Drains to be
kept in re-
pair.

When owner
of land neg-
lects to keep
drain in re-
pair.

Sec. 29. It shall be the duty of every person owning land across which a drain has been or may be lawfully constructed by the county drain commissioner, to keep so much of such drain as lies upon his lands, open and in good repair. If such owner shall refuse or neglect to keep such drain open and in good repair, it shall be lawful, and the duty of said commissioner, on application to him, in writing, of five freeholders, resident near the obstructed parts of such drain, to open and repair the same; and the costs and expenses of such repairs shall be collected by said commissioner of such delinquent owner; or, such cost and expenses, with one year's interest on the same, may be reported to the board of supervisors, who shall order the same to be assessed by the supervisor of the proper township, on the real and personal estate of said delinquent owner, and the same shall be collected and paid over to the county treasurer, and passed to the drainage fund of such county: *Provided*, That if such expense shall exceed ten dollars, the same application and proceedings shall be had as in section four of this act.

Proviso.

Relative to
commission-
ers hereto-
fore ap-
pointed.

Sec. 30. All commissioners appointed according to the provisions of an act entitled "An act to provide for the draining of swamps, marshes, and other low lands," approved March fifteenth, eighteen hundred and sixty-one, and the several acts amendatory thereto, viz: Act number two hundred and forty, laws of eighteen hundred and sixty-five, approved March

eighteenth, eighteen hundred and sixty-five; act number four, laws of eighteen hundred and sixty-seven, approved February fifth, eighteen hundred and sixty-seven; act number one hundred and twenty-seven, laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven, and act one hundred and forty-nine, laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven, and who are holding such offices at the time of the passage of this act, shall continue to hold such office, with all the powers and subject to the provisions of this act, until they shall resign or be removed by the board of supervisors of the proper county, or until a drain commissioner shall be elected and qualified, and has filed his bond as provided in this act; and thereupon they shall deliver to said commissioner all books, papers, moneys, accounts, or other property belonging to said office. Any action or suits begun under said acts, shall continue and be determined under and according to this act; and said commissioners, or said elected commissioner, may alter or vary the route, and rescind any contract entered into for the construction of any drain, for any cause which in their opinion or his opinion, may be sufficient; and upon such alteration or variation of route, or rescission of contract, may proceed to the completion of such drain or drains under the provisions of this act; and it is provided that anything contained in this act shall not be construed or held to annul or avoid any assessment, contract, or undertaking heretofore made, levied, or entered into by the commissioners of any county, under the said acts, which are by this act repealed, save as in this section provided; and all rights which may have accrued, and all acts done by such commissioners, shall remain unimpaired by anything herein contained, save as provided in this section.

Action and suits under former laws.

Powers of commissioner under this act.

Accrued rights to remain unimpaired.

Sec. 31. The board of supervisors in any organized county of this State, not having a drain commissioner elected and qualified, and his bond filed according to the provisions of this act, may, at their annual meeting in the year eighteen hundred

When court of record may appoint commissioner.

and sixty-nine, recommend in writing to a court of record in and for said county, three or more electors and inhabitants of said county, and not supervisors, to be known as drainage commissioners of such county; and said court of record, if it approve the persons so recommended, shall certify severally the appointment of three of them, on such recommendation, as said drainage commissioners; certificates of such appointments shall be filed with the county clerk. But said court of record may reject any of the persons so recommended, as unsuitable or unqualified for said office, and upon like recommendation, or upon petition of twenty resident freeholders, shall appoint other discreet freeholders, electors and residents in said county, to complete the said number of three such drainage commissioners, and certify such appointment to the county clerk as aforesaid. One of said commissioners shall be appointed for the term of one year, one for the term of two years, and one for the term of three years, each to hold his office until another shall be appointed in his place and duly qualified; and at their annual session in each year thereafter, the board of supervisors may recommend, and the court appoint one commissioner for three years, and until his successor is chosen and qualified. In case of the neglect or refusal of the board of supervisors of any such organized county so to recommend, and a court of record to appoint such commissioners, it shall be obligatory upon said board and such court to make such recommendation and appointment, upon presentation to them of a petition signed by fifty resident freeholders of the county, praying that such commissioners be appointed. Before entering upon their duties as commissioners, they shall severally make oath, before some person duly authorized to administer oaths, that they will justly, faithfully, and impartially discharge their duties as such drain commissioners, which oath shall be by them filed in the county clerk's office, and they shall thereupon choose one of their number as chairman and one as clerk, which shall constitute them an organized board of commissioners. Every chairman and clerk of such board of commissioners shall, within

Rejection of persons unqualified.

Terms of office of appointees.

When board of supervisors neglect to recommend.

Oath of commissioners; where filed.

Organization of board.

ten days after he is chosen as such, and before entering upon the duties of his office, file in the office of the county clerk ^{Bond of chairman and clerk.} a bond to the county, with two or more good and sufficient sureties, in a penal sum of not less than two thousand dollars, and more, if the board of supervisors shall so order, for the faithful and impartial performance of his duties as such chairman or clerk, respectively, and for the disbursement of the drainage fund, according to law; and the county clerk shall, ^{Approval and filing of same.} before filing said bond in his office, certify on said bond his approval of the said bond and its sureties. Said commissioners ^{Power of commissioners.} shall have power, and it shall be their duty, on application, as provided in this act, to lay out, establish, and cause to be constructed such ditches and drains, and to clear out, straighten, and deepen such streams and water-courses as they may deem necessary for the public health, and to assess the damages, if any are allowed by them, to which any person or persons shall be entitled by reason thereof. All orders on the drainage fund ^{Orders on drainage fund; record by clerk.} shall be drawn by the clerk and countersigned by the chairman of said board of drain commissioners; and the clerk of said board shall record in a book or books, to be provided by the county for that purpose, the proceedings of said commissioners, and shall file and preserve in his office all papers pertaining thereto, and deliver the same to his successor in office. Vacancies in said board of drain commissioners may be filled by a ^{Vacancies in board; how filled.} court of record in and for said county, on application, in writing, of the remaining members of said board and the sheriff of the county; appointments so made to fill vacancies shall be valid only till the next annual meeting of the board of supervisors. The three drain commissioners appointed and qualified ^{Further powers of commissioners.} according to this section, shall have power to lay out and construct drains, and assess damages, and to perform all other duties authorized to be done by the one drain commissioner and the jury, or the three special commissioners, as provided in the preceding sections of this act; and on application of ^{Application to.} ten or more owners of land in each township in which they ask to

have a drain constructed, it shall be the duty of said commissioners to so lay out and construct drains, either with or without a jury, or special commissioners, as provided for in sections five and six of this act.

Acts re-
pealed.

Sec. 32. An act entitled "An act to provide for the drainage of swamps, marshes, and other low lands," approved March fifteenth, eighteen hundred and sixty-one, and all other acts or parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 33. This act shall take immediate effect.

Approved March 22, 1869.

[No. 44.]

AN ACT to amend section three hundred and sixty-four, of chapter ten, of the compiled laws, in relation to the compensation of members of boards of supervisors.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section three hundred and sixty-four, of chapter ten, of the compiled laws, be and the same is hereby amended so as to read as follows:

Compensa-
tion of mem-
bers.

Sec. 364. Each member of such board of supervisors shall be allowed a compensation of three dollars per day for his services and expenses in attending the meetings of such board, and six cents a mile for each mile necessarily traveled in going to and returning from the place of such meeting, to be audited by the board and paid by the county; which said amount shall be in full for all services and expenses in attending the meeting of such board of supervisors; and any supervisor receiving further or other compensation for such services, shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 45.]

AN ACT to enable any township, city, or village to pledge its aid, by loan or donation, to any railroad company now chartered or organized, or that may hereafter be organized, under and by virtue of the laws of the State of Michigan, in the construction of its road.

SECTION 1. *The People of the State of Michigan enact, That* Townships and cities authorized to aid, by loan or donation.
it shall be lawful for any township or city to pledge its aid to any railroad company now chartered, organized, or that may hereafter be organized, under and by virtue of the laws of the State of Michigan, in the construction of its road, by loan or donation, with or without conditions, for such sum or sums, not Limited to ten per cent.
exceeding ten per centum of the assessed valuation then last made, of the real and personal property in such township or city, as a majority of the electors of such township or city voting, Majority of electors to determine.
shall, at a meeting or meetings called for that purpose, determine: *Provided*, That the total amount of outstanding indebtedness, exclusive of interest thereon, of any such township or city, incurred for any and all railroads, shall not exceed ten per cent. of the assessed valuation of the same at any one time: *Provided*, That the amount, exclusive of interest thereon, which ¹⁸⁶⁴ shall become due or collectable in any one year, shall not exceed two per centum of the assessed valuation of such township or city, at the time of issuing the same: *And provided* ¹⁸⁶⁴
further, That the total amount which the city of Detroit may raise for such purposes shall not exceed five per centum of the assessed valuation of the real and personal property of said city. ^{Detroit not to raise exceeding five per cent.}

Sec. 2. It shall be the duty of the supervisor of any township, and the mayor of any city, to call a meeting or meetings of the electors of their respective township or city whenever a request in writing to do so shall be made by thirty tax-paying electors of such township or city, and to give public notice thereof, at least twenty days previous to holding such meeting, ^{Supervisor shall call meeting on request of thirty tax-paying electors.}
by posting the same in not less than five of the most public places in such township or city, and by the advertisement of the same in some newspaper published in the county wherein ^{Twenty days notice to be given.}

Provide. such township or city shall be: *Provided*, In the case of cities or townships in which a daily or weekly newspaper shall be published, such publication shall be made in such newspaper, at least once in each week for three successive weeks next previous to the holding of such meeting: *And provided*, In the case of the city of Detroit, such notice shall be published in at least three daily newspapers for ten consecutive days previous to the holding of such meeting. Such request and notice shall specify the amount of aid, the conditions, rate of interest, the time of payment and manner of executing the bonds, and other particulars in regard to such aid not otherwise provided herein:

Ibid. *And provided further*, That no township or city shall, under the provisions of this act, hold more than two meetings in any one year, unless a majority of the tax-paying electors of such city or township shall sign such request in writing therefor.

Inspectors of election; manner of voting.

Sec. 3. At such meeting or meetings the township, city, or ward inspectors of elections shall act as inspectors of election. The electors shall vote by ballot, (such ballot to contain the words "aid to railroad—yes," or "aid to railroad—no," as the case may be) and shall be subject to challenge as at other township or city elections; and the proceedings at such meetings to be held under the provisions of this act, shall, in case of townships, be governed, so far as they may be applicable, by the general laws of this State relating to township elections, and in the case of cities, by the laws regulating their respective municipal elections; and illegal and fraudulent voting shall be punishable in the same manner and to the same extent as at other township or city elections. A copy of the request, and also of the notice required by the provisions of section two of this act, shall be entered at large upon the records of the township or city, together with a statement of the result, and other essential particulars; and a certified copy of such record shall be in all courts and places, *prima facie* evidence of the facts therein set forth.

Record of proceedings.

Effect of copy of record.

Issue of coupon bonds.

Sec. 4. Any township or city that may avail itself of the benefits of this act by voting aid to any railroad company, as pro-

vided herein, shall, within sixty days after the question of aid is determined by a vote of the electors of such township or city, as provided in section three of this act, issue its coupon bonds for the amount so determined to be granted, which bonds shall be in sums of not less than one hundred dollars each, and not more than one thousand dollars each, and shall be payable at any time as determined upon by the electors of such township or city, not exceeding twenty years from the date thereof. Such bonds shall bear interest at a rate of not exceeding ten per cent. per annum, and shall have attached thereto the necessary and usual interest coupons, corresponding in dates and numbers with the bonds to which they are attached, which shall be signed by written signatures by the same person or persons executing such bonds. Such bonds shall, if issued by a city, be executed by the mayor and clerk or recorder thereof, as the case may be, under the seal of said city, and if issued by a township, they shall be executed by the supervisor and clerk thereof, and if any city or township issuing such bonds shall have a seal, the same shall be impressed upon each of such bonds. The bonds, and coupons attached thereto, shall be payable at the office of the treasurer of the county in which such township or city may be situate.

Denomina-
tion of
bonds.

Maturity.

Interest.

By whom
executed.

Where pay-
able.

Sec. 5. Whenever any such bonds as provided by the provisions of this act shall have been issued as therein specified, the same shall be delivered by the person, persons or officers having charge of the same, to the Treasurer of this State, who shall give a receipt therefor, and hold the same as trustee for the municipality issuing the same, and for the railroad company for which they were issued, and to be disposed of by said treasurer in discharge of his trust as hereinafter provided.

Deposited
with State
Treasurer.

Sec. 6. Upon receipt of any such bonds from any township or city, in aid of any such railroad company, the Treasurer of this State shall immediately register or record the same in a book or books to be kept by him for that purpose, in his office, which record shall show the amount, date, and number of each bond, the rate of interest which it bears, by what township or

State Treas-
urer shall
record.

Contents of
record.

city issued, to the benefit of what railroad company the same are issued, and the time when payable, which record shall be always open for the inspection of any citizen of this State, or other interested person. Such bonds shall be safely kept by said Treasurer, for the benefit of the parties interested, and be disposed of by him in the following manner: That is to say, whenever any railroad company, in aid of which any of such bonds may have been issued, shall present to said Treasurer a certificate from the Governor of this State that such railroad company has in all respects complied with the provisions of this act, and is thereby entitled to any of such bonds, the same, or such of said bonds as said company shall be entitled to receive, shall be delivered to said company, the Treasurer first cutting therefrom, canceling, and returning to the municipality, the past due coupons. The Treasurer shall indorse upon each of said bonds the date of such delivery and to whom the same were delivered, and the same shall draw interest only from the time when so delivered; and the Treasurer shall notify the clerk of the township, or recorder or clerk of the city issuing the same, of the date of the delivery of its bonds to such railroad company. The railroad company so receiving such bonds shall pay the State Treasurer one-tenth of one per centum of the par value of all such bonds so delivered, which shall be received by him in full payment of all fees and charges for the custody, recording, endorsing, and delivery of said bonds, which money shall be paid into the State Treasury. And in case any bond so delivered to said Treasurer by any such township or city shall not, within three years from the time when the same were received by him, be demanded, in compliance with the terms of this act, the same shall be canceled by said Treasurer, and returned to the proper officers of the township or city issuing the same.

Safe keeping
of bonds,
and how dis-
posed of.

Indorsement
upon bonds.

Notice of
sale and de-
livery of
bonds

Fees and
charges of
State Treas-
urer.

When bond
shall be can-
celed.

Proceedings
when city
or township
fail to pay
bonds.

Sec. 7. In case any city or township issuing bonds as heretofore provided in this act, shall fail to pay the bonds, or the interest coupons, or to deposit with the treasurer of the county in which such township or city is situated, a sufficient sum of

money to pay the bonds or the coupons, which it may have issued as aforesaid, which may then be due, as by the terms of said bonds or coupons, the county treasurer of such county shall certify the same to the clerk of the board of supervisors of such county, or in case of the city of Detroit, to the assessor thereof, stating the amount so due and unpaid by such township or city, whereupon the board of supervisors of such county, or such assessor, as the case may be, shall cause the same to be assessed, levied, and collected from such township or city, with other county or city taxes, and in like manner, adding to the amount thereof, interest at the rate specified in said bond, for one year, and the same shall be paid to the county treasurer by the treasurer of such township or city; and upon the receipt of such money, the county treasurer shall pay to the holders thereof, the principal or interest for which such money may have been collected, with the interest thereon, and cancel and return such bonds or coupons to the township or city to which the same may belong.

Certificate
of county
treasurer.

Sec. 8. In case any township or city shall avail itself of the benefits of this act, by the issue of bonds or other evidence of debt, in the aid of any railroad company as by this act provided, such township or city shall, each year, by its proper authorities, after receiving the notice as herein provided, from the State Treasurer, of the delivery of its bonds to the proper railroad company, so long as such bonds or other evidence of debt remain unpaid, levy, assess, and collect upon the taxable property of such township or city, a sufficient sum of money to pay all bonds, or interest upon the same, as either the bonds or interest thereon shall become due; and the full faith and credit of any township or city so issuing any such bonds or other evidence of debt is hereby pledged for the full payment of both principal and interest thereon; and the same are made hereby, valid and legal charge upon the taxable property of the township or city issuing the same.

Provision for
payment of
bonds, etc.,
and interest.

Taxable
property of
municipality
pledged.

Sec. 9. No such bonds or other evidence of indebtedness shall be delivered to such company until it shall have complied

Conditions
of delivery
of bonds.

with the conditions voted, and completed its road-bed and ironed its road with the usual T, or such other rail as may be used by first class railroads, through the municipality issuing the same, or to the termination thereof, if said road shall terminate therein; nor until said company shall have completed their road as aforesaid, through such municipality, or from the termination of said road if it terminates therein, to some connecting line of railroad duly completed and in full operation, or to the initial or starting point of such road. And in case such bonds shall have been issued by a municipality not upon the line of such road, the same shall not be delivered until said road shall be completed and ironed, as aforesaid, through the municipality adjoining thereto: *Provided*, That in case of the voting of aid by any township or city, located six miles or more from any part of said railroad, no such bonds shall be delivered until at least twenty miles of said road-bed and railroad shall have been completed and ironed, as aforesaid, from the terminus of said railroad nearest to such aiding city or township: *And provided further*, That in the case of the termination of said railroad, or the making of such crossing, or intersection of another railroad within the limits of any such aiding municipality, such bonds may be delivered when the said road-bed and railroad shall have been completed and ironed, as aforesaid, for the distance of six miles from such terminus or point of intersection.

Municipality
not upon line
of road.

Proviso.

Idid.

Incorporated
villages may
aid.

Sec. 10. The provisions of this act are hereby extended so as to authorize any incorporated village to vote aid to the extent, in the manner, and subject to the conditions and provisions of this act in relation to cities. In case any township has not voted such aid, any village formed in whole or in part from such township may vote such aid, and when any such village has voted such aid, it shall not be liable to a further tax for that purpose by a vote of the township, and it shall be the duty of the president of any village to call a meeting or meetings of the electors of his village as provided in section number

two of this act for cities and townships. The bonds contemplated By whom village bonds executed. in this act, if issued by a village, shall be executed by the president and clerk or recorder thereof, as the case may be, as provided for cities and townships in section number four of this act: *Provided*, That whenever a village has not voted aid to the full Previous extent of the provisions of this act, a further aid by township or village may be granted to an amount equal to the difference between the aid already granted and the full amount permitted by the provisions of this act.

Sec. 11. This act shall take immediate effect.

Approved March 22, 1869.

[No. 46.]

AN ACT to prohibit, discourage, and punish prize fighting within the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That any Penalty, for engaging in person who shall hereafter be a party to, or engage in a prize fight, or any other fight in the nature of a prize fight, in this State, or who shall aid or abet therein, shall, on conviction thereof, be punished by imprisonment in the State prison for a term not exceeding five years, nor less than one year, or by a fine not exceeding two thousand dollars, nor less than two hundred dollars, or by both fine and imprisonment, at the discretion of the court.

Sec. 2. All persons who shall engage in the training of any For training parties, or carrying to or from prize fight. party to a prize fight, or shall assist therein, or who shall knowingly carry any person or persons to or from a prize fight, shall be deemed aiders and abettors, within the meaning of the preceding section.

Sec. 3. Any person who shall willfully be present at such For being present at fight, or giving notice thereof. prize fight in this State, or shall give or publish notice thereof or invite any person or persons to attend the same, shall, on conviction thereof, be punished by imprisonment in the county

jail, or in the Detroit House of Correction, not exceeding one year, or by a fine not exceeding five hundred dollars.

For aiding,
etc., prize
fight within
or without
this State.

Sec. 4. Any person who shall, within this State, enter into any agreement, or understanding whatsoever, aid, advise, or counsel in the making of any such agreement or understanding whatsoever, for a prize fight, to take place either within or without this State, or who shall, in this State, train, or prepare any person or persons for a prize fight to take place out of this State, shall, upon conviction thereof, be punished by imprisonment in the county jail, or Detroit House of Correction, not exceeding one year, or by fine not exceeding five hundred dollars.

Approved March 22, 1869.

[No. 47.]

AN ACT supplementary to an act entitled "An act to provide for the incorporation of Lodges and Encampments of the Independent Order of Odd Fellows," approved March fifteenth, eighteen hundred and sixty-five, and to add one new section thereto.

May hold
real, etc., es-
tate.

SECTION 1. *The People of the State of Michigan enact, That* any lodge or encampment of the independent order of Odd Fellows, incorporated under the act to which this act is supplementary, may receive, purchase, and hold in its corporate capacity, real and personal estate, and the same or any part thereof, demise, convey, mortgage, use, and dispose of at pleasure to the amount of two hundred thousand dollars; and may subscribe to the stock of any incorporated company, for the purpose of erecting a suitable edifice, building or hall, with convenient rooms for the meetings and use of the fraternity of Odd Fellows.

Amount
limited.
Erection of
hall.

Section
added.

Sec. 2. That a new section is hereby added to said act, to which this is supplementary, to stand as section ten, and read as follows:

Sec. 10. The location of the business offices of the Grand Lodge and Grand Encampment of the Independent Order of Odd Fellows, or either of them, may be changed at any time, upon filing a written notice of such change in the office of the Secretary of State, within twenty days from the time of the change of such location. Notice of change of office; where filed.

Sec. 8. This act shall take immediate effect.

Approved March 22, 1869.

[No. 48.]

AN ACT to amend section one of an act entitled "An act rendering persons disqualified for sitting as jurors in certain cases," approved March twenty-seventh, eighteen hundred and sixty-seven, being act number one hundred and twenty-nine, of the session laws of eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* section one of an act entitled "An act rendering persons disqualified for sitting as jurors in certain cases," approved March twenty-seventh, eighteen hundred and sixty-seven, be and the same is hereby amended so as to read as follows: Section amended.

Sec. 1. No persons (excepting justices of the peace of the county of Wayne,) shall be qualified to be or become one of a panel of jurors in any circuit court, or court of record in Wayne county, who, within one year prior thereto, has been or acted as a member of a panel of jurors, whether summoned on the original panel, or added thereto as talesman, in the same court; and it shall be the duty of the circuit or presiding judge to discharge any such person, (except justices of the peace,) if summoned as a juror, who, within one year, has been a member of a panel of jurors in said court; and it shall be a just cause of challenge to any juror, in any cause, over and above all other challenges allowed by law, that he has been within a year a member of a panel of jurors in said court. Who qualified to act as a juror in circuit court, etc., in Wayne county. Challenge.

Approved March 22, 1869.

[No. 49.]

AN ACT to authorize the Auditor General to issue new tax deeds in place of those lost.

Issue of duplicate tax deed authorized.

SECTION 1. *The People of the State of Michigan enact, That* whenever it shall be made to appear to the satisfaction of the Auditor General, by affidavit or otherwise, that any Auditor General's deed for land sold as delinquent for taxes, has been lost or destroyed, it shall be his duty to execute, issue, and deliver to the person making such proof, a new deed of the lands described in said first deed, and the said deed shall have endorsed upon it a statement that it is a new deed issued in place of one that is lost or destroyed; and said new deed, or the record thereof, shall be evidence of title in all courts and proceedings, of title in the grantee, his or her heirs or assigns, the same as the original deed, or the record thereof, would be.

Approved March 22, 1869.

[No. 50.]

AN ACT to repeal act number one hundred and eighty-six, of the session laws of eighteen hundred and sixty-one, entitled "An act to amend act number two hundred, of the session laws of eighteen hundred and fifty-nine, being an act to encourage the manufacture of salt in the State of Michigan, approved February fifteenth, eighteen hundred and fifty-nine," approved March fifteen, eighteen hundred and sixty-one.

Act repealed.

SECTION 1. *The People of the State of Michigan enact, That* act number one hundred and eighty-six, of the session laws of eighteen hundred and sixty-one, entitled "An act to amend act number two hundred, of the session laws of eighteen hundred and fifty-nine, being an act to encourage the manufacture of salt in the State of Michigan, approved February fifteen, eighteen hundred and fifty-nine," approved March fifteen, eighteen hundred and sixty-one, be and the same is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 51.]

AN ACT to amend section fifteen, of act number two hundred and thirty-two, of the session laws of eighteen hundred and sixty-three, being "An act to provide for the incorporation of water-power companies," approved March twentieth, eighteen hundred and sixty-three.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section fifteen, of act number two hundred and thirty-two, of the session laws of eighteen hundred and sixty-three, being "An act to provide for the incorporation of water-power companies," approved March twentieth, eighteen hundred and sixty-three, be and the same is hereby amended to read as follows:

Sec. 15. All sums due from any member of said association, ^{Assessments may be recovered in action of assumpsit.} upon the assessment made, as hereinbefore directed, if not paid at the time of, or after notice of said assessment, or at the completion of said work, with the interest hereinbefore required, may be recovered in an action of assumpsit brought in the name of said corporation, in any court of competent jurisdiction.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 52.]

AN ACT making appropriation for the State Normal School.

SECTION 1. *The People of the State of Michigan enact, That the* ^{Appropriation.} State Treasurer shall transfer from the general fund to the State Normal School interest fund, the sum of ten thousand dollars for the year eighteen hundred and sixty-nine, and ten thousand dollars for the year eighteen hundred and seventy, which sums are hereby appropriated to the Normal School interest fund, and shall be drawn from the treasury in the manner now provided by law, in relation to that fund.

Sec. 2. This act shall take immediate effect.

Approved March 22, 1869.

[No. 53.]

AN ACT to provide for the payment of the salaries of the military officers for the years eighteen hundred and sixty-nine and eighteen hundred and seventy.

Appropriation, for 1869

For salary of Adjutant General. Quartermaster General. Inspector General.

Arrearages to Quartermaster General.

Appropriation for 1870.

Adjutant General. Quartermaster General. Inspector General.

SECTION 1. *The People of the State of Michigan enact*, That there be and the same is hereby appropriated, out of any money in the treasury to the credit of the military fund, not otherwise appropriated, the following sums for the salaries of the military officers herein named, for the year eighteen hundred and sixty-nine: For the salary of the Adjutant General, the sum of ten hundred dollars; for the salary of the Quartermaster General, the sum of six hundred dollars; for the salary of the Inspector General, one hundred and twenty-five dollars, and such further sum as may be necessary to pay his actual necessary traveling expenses, not exceeding one hundred dollars; also, the further sum of nine hundred dollars, to pay arrearages due the Quartermaster General for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, the same having been occasioned by a deficiency in the appropriations made for said years.

Sec. 2. That there be and the same is hereby appropriated, out of any money in the treasury to the credit of the military fund, not otherwise appropriated, the following sums for the salaries of the military officers herein named, for the year eighteen hundred and seventy: For the salary of the Adjutant General, the sum of ten hundred dollars; for the salary of the Quartermaster General, the sum of six hundred dollars; for the salary of the Inspector General, one hundred and twenty-five dollars, and such further sum as may be necessary to pay his actual necessary traveling expenses, not exceeding one hundred dollars.

Approved March 22, 1869.

[No. 54.]

AN ACT to amend act number two hundred and thirty-three, of the session laws of eighteen hundred and sixty-one, being an act entitled "An act to facilitate the commencement of suits against joint defendants residing in several counties," approved March sixteenth, eighteen hundred and sixty-one.

SECTION. 1. *The People of the State of Michigan enact,* That Section amended. section one, of act number two hundred and thirty-three, of the session laws of eighteen hundred and sixty-one, being an act entitled "An act to facilitate the commencement of suits against joint defendants residing in several counties," approved March sixteenth, eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact,* That when When plaintiff may sue out writ against defendant in another county. an action on any contract or obligation, or an action of ejectment, or an action for trespass on lands, or an action of trespass on the case for injuries to real estate, shall have been or shall be brought in any circuit court of this State, against two or more joint defendants, one or more of whom shall not reside or be found in the county where the suit shall be brought, and one or more of the defendants shall be served with process or declaration in the county where suit is commenced, or property in his or their possession shall be attached in said county, the plaintiff in such action may sue out one or more writs of summons, or other writ whereby such suit was commenced, directed to the sheriff of the county where such defendants not so served may be found, or where the property liable to be attached may be, or he may cause a copy of the declaration filed in such case, May serve copy of declaration with notice of rule. Duty of sheriff. with notice of the rule to plead, to be served on the defendants not elsewhere served in any other county in this State; and it shall be the duty of such sheriff to serve such process or declaration, or notice, and make return thereof to the county clerk of the county where the suit is commenced.

Approved March 22, 1869.

[No. 55.]

AN ACT to provide for the safe keeping of public libraries.

Contract
may be en-
tered into
for safe
keeping.

Proviso.

And.

SECTION 1. *The People of the State of Michigan enact*, That it shall be lawful for any persons or board entrusted by law with the control of town or other public libraries, to lease a suitable room or rooms for the accommodation thereof, or to contract with any incorporated polytechnic, or literary, or scientific association, for the safe keeping of any such library, in the rooms or buildings of any such association, for such period as may be agreed upon: *Provided*, Such library shall continue under the control of the persons or board entrusted with the same by law: *And provided also*, That no such association shall thereby obtain any interest in the ownership of such library, or in the funds provided for its support, and that no further restriction shall be placed upon the free use thereof, by the public, than would be imposed had no such arrangement been made.

Approved March 22, 1869.

[No. 56.]

AN ACT to amend "An act to provide for the appointment of trustees in certain cases," approved February seventeenth, eighteen hundred and fifty-seven.

Section
added.

SECTION 1. *The People of the State of Michigan enact*, That a new section, to stand as section four, be added to "An act to provide for the appointment of trustees in certain cases," approved February 17, 1857, being act one hundred and seventy-three, said section to read as follows:

Time re-
quired to le-
gally organ-
ize.

Sec. 4. That whenever any religious society or corporation shall have exercised the franchises and privileges of a corporation for the term of ten successive years, the same shall be presumed to have been legally organized in pursuance of the laws of this State.

Approved March 24, 1869.

[No. 57.]

AN ACT to amend section fifteen of an act entitled "An act to provide for the incorporation of villages," approved February 17, 1857, being section two thousand one hundred and twelve of the compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* Section amended. section fifteen of an act entitled "An act to provide for the incorporation of villages," approved February 17, 1857, being section two thousand one hundred and twelve of the compiled laws, be so amended as to read as follows:

Sec. 15. The officers first elected shall hold their offices until Terms of office. the first Tuesday in March following their election, and those subsequently elected, (except the clerk,) shall hold their respective offices until the first Tuesday of March following their election, and until their successors are elected and qualified: *Provided, That at the first election, three trustees shall be* Provide. elected for one year, and three trustees shall be elected for two years, and at each subsequent election three trustees shall be elected for two years.

Approved March 24, 1869.

[No. 58.]

AN ACT making appropriation for the support of the State Agricultural College, to pay the expenses of the State Board of Agriculture, and for the erection of a new building for the State Agricultural College.

SECTION 1. *The People of the State of Michigan enact, That* Appropriation for expenses. there shall be and is hereby appropriated out of the State Treasury, the sum of twenty thousand dollars for the year one thousand eight hundred and sixty-nine, and the sum of twenty thousand dollars for the year one thousand eight hundred and seventy, for the use and support of the State Agricultural College, and to pay the expenses of the State Board of Agriculture, which said moneys shall be expended under the direction and control of said board, so far as may be necessary for the pur-

How drawn. poses aforesaid, and shall be drawn from the treasury, on the presentation of the proper certificates of the said board to the Auditor General, and on his warrant to the State Treasurer.

Appropriation for hall. Sec. 2. There shall be and is hereby appropriated out of the State Treasury, the further sum of thirty thousand dollars, for the purpose of building a new hall for the Agricultural College, to be used chiefly as a hall for additional dormitories for the accommodation of students, which said moneys herein appropriated, shall be expended under the direction of the State Board of Agriculture, so far as may be necessary for the purpose

How drawn. pose aforesaid, and shall be drawn from the treasury on the presentation of the proper certificates of the said board to the Auditor General, and on his warrant to the State Treasurer.

Sec. 3. This act shall take immediate effect.

Approved March 24, 1869.

[No. 59.]

AN ACT to provide for taxing the property of Masonic and Odd Fellows' Lodges, and other benevolent societies.

Taxation authorized. SECTION 1. *The People of the State of Michigan enact, That any Masonic and Odd Fellows' lodge, or other benevolent society or order, incorporated under the laws of this State, owning, occupying, or controlling any temple, hall, or other property, such property shall be subject to taxation, in like manner as the same kind of property owned by individuals or companies is taxed: Provided, That any hall or rooms occupied by such corporation, for their own use exclusively, shall be exempt from taxation.*

Proviso.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1869.

[No. 60.]

AN ACT to amend an act entitled "An act to authorize the formation of gas light companies," approved February twelfth, eighteen hundred and fifty-five.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section eleven of "An act to authorize the formation of gas light companies," approved February twelfth, eighteen hundred and fifty-five, be amended so as to read as follows:

Sec. 11. The stockholders of all corporations organized under this act, shall be individually liable for any labor or services ^{Stockholders liable for services to company, and for other debts.} done or performed for such company, and they shall also be liable as aforesaid, for the payment of all other debts or obligations contracted or incurred by said corporation during the time they were stockholders, to the amount of all unpaid installments on stock held by them respectively, which liability ^{How enforced.} may be enforced against any stockholder founded on this statute at any time after an execution shall be returned, not satisfied, against said company: *Provided always, That if any stockholder* ^{Proviso.} shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Sec. 2. This act shall not affect the liability of stockholders in such companies, incurred prior to the passage of this act.

Sec. 3. This act shall take immediate effect.

Approved March 26, 1869.

[No. 61.]

AN ACT to amend section eight of "An act to provide for the incorporation of Masonic lodges," as amended by an act approved March twenty-seven, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section eight of an act entitled "An act to provide for the

incorporation of Masonic lodges," approved March tenth, eighteen hundred and sixty-five, as amended by an act approved March twenty-seventh, eighteen hundred and sixty-seven, be so amended as to read as follows:

Subject to
former law.

Sec. 8. All corporations formed under this act shall be subject to the provisions of chapter seventy-three, of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

Legislature
may amend.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1869.

[No. 62.]

AN ACT to amend act number one hundred and twenty-nine, of the session laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven, entitled "An act rendering persons disqualified for sitting as jurors in certain cases," by adding two new sections thereto, to stand as sections three and four.

Sections
added.

SECTION 1. *The People of the State of Michigan enact*, That act number one hundred and twenty-nine, of the session laws of eighteen hundred and sixty-seven, approved March twenty-seventh, eighteen hundred and sixty-seven, entitled "An act rendering persons disqualified for sitting as jurors in certain cases," be and the same is hereby amended by adding two new sections thereto, to stand as sections three and four.

Cause of
challenge in
court of re-
cord.

Sec. 3. It shall be a good cause of challenge to any juror, in any court of record in this State, in addition to the other causes of challenge allowed by law, that such person has served as a juror upon the regular panel, or as talesman in such court, at any time within one year previous to such challenge.

Cause of
challenge in
justice or po-
lice court.

Sec. 4. It shall be a good cause of challenge to any juror, in any justice, or police court in any city, township, or village in this State, in addition to the other causes of challenge allowed by law, that such person has served as a juror in such court,

more than three times within one year, previous to such challenge.

Approved March 26, 1869.

[No. 63.]

AN ACT making appropriations for the Michigan Asylum for the Insane, for the years eighteen hundred and sixty-nine and eighteen hundred and seventy.

SECTION 1. *The People of the State of Michigan enact*, That the sum of eighteen thousand dollars be and is hereby appropriated to the Michigan Asylum for the Insane, for the maintenance of patients, and the purchase of supplies for the year eighteen hundred and sixty-nine; and the further sum of twenty-nine thousand dollars is also appropriated for the following purposes for said Asylum, viz: The purchase of a new boiler; the construction of a coal depot; of line and division fences; of fire-proof corridors between the chapel and the wings; for fire apparatus; for repairing the air-duct of the south wing; for furnishing, lighting, and warming apartments in the chapel and kitchen building; for a green-house, and appendages; for the purchase of a covered carriage for female patients; for re-flooring, siding, painting, and preparing for the use of patients, the building known as the cottage, if so much shall be required; which said sums may be drawn from the State treasury by the treasurer of said Asylum, upon warrants made by the secretary of the board of trustees of said Asylum, approved by the president of said board, and countersigned by the Auditor General.

Sec. 2. It shall be the duty of the Auditor General and State Treasurer, to transfer from the military fund to the Asylum fund, the entire balance that may be to the credit of said military fund on the thirtieth day of November, in the year of our Lord one thousand eight hundred and sixty-nine, and such further sum from the general fund, so that the total amount

transferred to the credit of the Asylum fund shall be forty-seven thousand dollars.

Further appropriation.

Sec. 3. The further sum of twelve thousand dollars be and is hereby appropriated for the maintenance of patients, and the purchase of supplies for the year eighteen hundred and seventy, which sum shall be paid to the treasurer of said Asylum, as provided in section one of this act.

How expended.

Sec. 4. The moneys appropriated by this act shall be expended by the medical superintendent of the Asylum, under the general direction of the trustees. Said moneys shall be disbursed by the treasurer of the Asylum, in the manner prescribed by the by-laws, upon the written order of the steward, countersigned by the medical superintendent.

By whom disbursed.

Duty of secretary of board of trustees.

Sec. 5. It shall be the duty of the secretary of the board of trustees of said Asylum, to render quarter-yearly to the Auditor General, an accurate account of the moneys received and paid out on account of appropriations, and of all payments for constructing, furnishing, or finishing; such accounts shall be verified by accompanying duplicate original vouchers for each item of such expenditure; and no money shall be drawn by virtue of this act, by said board of trustees, unless they shall have first filed with the Auditor General, an estimate and statement, showing the purpose for which such money is required; nor shall the Auditor General draw his warrant except for the purposes for which said moneys are appropriated.

Estimate and statement filed with Auditor General.

Sec. 6. This act shall take immediate effect.

Approved March 26, 1869.

[No. 64.]

AN ACT to prevent injury to the navigation of Saginaw river.

Prohibiting deposit of sand, earth, sawdust, etc.

SECTION 1. *The People of the State of Michigan enact, That no person, firm, or corporation shall deposit or place, or allow to be deposited or placed in the Saginaw river any sand, earth, sawdust, or other material that shall or may in any degree fill up or raise the natural or artificial bed of the river.*

Sec. 2. No master, or person acting as master of a vessel, shall allow any sand, or earth, or other material to be thrown from the vessel in his charge into the Saginaw river, which shall or may raise, or in any degree fill up the natural or artificial bed of the river.

Sec. 3. The prohibition of the first section of this act shall apply to earth, sand, or other material which may be lifted in the dredging the channel of said river, or on or along its banks. Applies to dredging.

Sec. 4. Any person who shall willfully violate any of the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, and not more than three thousand dollars, and shall be imprisoned in the county jail of the proper county until such fine be paid, not exceeding one year, and shall also be liable to any party injured, for all actual damages sustained. Penalty for violation of this act.

Sec. 5. This act shall take immediate effect.

Approved March 26, 1869.

[No. 65.]

AN ACT to provide for the further geological survey of the State.

SECTION 1. *The People of the State of Michigan enact, That* the Governor, the Superintendent of Public Instruction, and the President of the State Board of Education shall constitute a Board of Geological Survey; they shall control and supervise the continuance and completion of the geological survey of the State; they shall appoint and commission a suitable person, possessed of the requisite knowledge of the science of geology, who shall be the director of the geological survey hereby instituted. Board of Geological Survey. Appointment of director.

Sec. 2. Such director shall have the power to appoint, by and with the advice and consent of the board, such assistants as may be necessary to perform the labor herein directed. Power of director.

Salary; how fixed.

Sec. 3. The salary of the director, and of all other persons employed in the survey, shall be fixed by the board, and shall be payable only for services actually rendered; such board shall regulate all expenses incident to the survey, and may require from the director such frequent reports as they may think useful.

Board to regulate expenses. May require report.

Sec. 4. It shall be the duty of the director to make or cause to be made, a thorough geological and mineralogical survey of the State, embracing a determination of the succession, arrangement, thickness, and position of all strata and rocks; their mineral character and contents, and their economical uses; an investigation and determination of the organic remains of the State; a general examination of the topography, hydrography, and physical geography of the State; an investigation of the soils and subsoils, and the determination of their character and agricultural adaptation; the investigation of all deposits of brines, coal, marl, clay, gypsum, lime, petroleum, metals and metallic ores, building stone, marble, grit-stone, materials for mortar and cement, mineral paint, and all other productions of the geological world within the limits of this State capable of being converted to the uses of man.

Duty relative to collection of materials.

Sec. 5. It shall be the duty of the director to collect ample materials for the illustration of every department of the geology and mineralogy of the State, and to determine, catalogue, and label the same, and prepare them for exhibition to the citizens of the State, in suitable cases, in the museums of the State University and State Agricultural College, at the State Normal School, and such other colleges of the State as may make application to the board prior to the taking of the geological survey, and obligate such college to pay the extra expense necessarily incurred in furnishing such specimens.

Annual Report of director.

Sec. 6. It shall be the duty of the director to furnish annually, to the board, a report of the progress of the survey, and as often as possible, a condensed statement of important and interesting facts for general circulation, and as soon as the progress of the work will permit, to begin, and on the comple-

tion of the survey, to finish a complete memoir upon the geology Memoir.
of the State, under the direction of the board, embracing Contents.
such an account of all its mineral and agricultural resources
as is usual in works of that character, and a delineation of its
geology upon the map of the State, and such other diagrams
and illustrations as may be needed to set forth in a creditable,
intelligible, and as far as possible, popular manner, the nature,
location, and extent of the geological and agricultural resources
of the State.

Sec. 7. The one-half part of all appropriations made, shall One-half of appropriation to be expended in Upper Peninsula.
be expended in the Upper Peninsula; and such one-half shall
be devoted, among other things, to the collection of statis-
tics, and history of the mineral, manufacturing, and transporta-
tion interests; to the compilation and preparation of full and
accurate maps, showing the topography, geology, and timber,
as also the position of mines, furnaces, roads, and improvements;
to the determination of the position and structure of the min-
erals and mineral rocks; to compiling and collecting all useful
knowledge that would be of practical value in finding and
extracting ores, and in mining, and smelting in those districts
of the Upper Peninsula known as the iron and copper regions.

Sec. 8. All notes, memoranda, compilations, collections, spec- All results of survey, the property of the State.
imens, diagrams, and illustrations that may be made in the
progress of such survey by the persons engaged therein, shall
be the property of the State; shall be under the control of the
board, and in case of the death, or termination of connection
with such survey, of any such person, shall be deposited in
the State University, subject to the order of the board.

Sec. 9. To carry into effect the provisions of this act, the sum Appropriation.
of eight thousand dollars for each year is hereby appropriated,
to be drawn from the treasury as needed, on the warrants of
the Governor, which appropriation shall be in full for all expend-
itures under this act, exclusive of the printing of the reports
hereby provided for.

Sec. 10. This act shall take immediate effect.

Approved March 26, 1869.

[No. 66.]

AN ACT to authorize and require the Commissioner of the Land Office to furnish certified copies of field notes, maps, records, and other papers pertaining to land titles, and to declare the effect thereof as evidence in suits at law or equity.

Certified
copies by
Commission-
er of State
Land Office.

SECTION 1. *The People of the State of Michigan enact, That the Commissioner of the State Land Office is hereby authorized and required, on application of any person, and on payment by such person of the fees allowed by law, to make and deliver to such person a true copy of any field notes, maps, records, or papers in his office appertaining to land titles, or to the original surveys of any of the lands in this State; and any such copy, when duly certified to by such Commissioner, under his seal of office, or the record thereof, when duly recorded in the office of the register of deeds of the proper county, may be admitted in evidence in all courts and places in which the title or boundary of any land shall come in question, and shall have the same force and effect, as evidence, as though the act of Congress, approved June twelfth, in the year one thousand eight hundred and forty, entitled "An act for the discontinuance of the office of Surveyor General in the several districts, so soon as the surveys therein can be completed, for abolishing land offices under certain circumstances, and for other purposes," had named the Commissioner of the State Land Office, of the respective States, instead of the Secretary of State, of the respective States, as the officer to whom the Surveyor General should deliver over all the field notes, maps, records, and other papers appertaining to land titles, as in and by said act provided.*

Effect of
same in evi-
dence.

Rate of
charges for
copies, etc.

Sec. 2. *And be it further enacted, That from and after the passage of this act, the following schedule of prices and charges shall be observed in the State Land Office, to-wit:*

For field,
etc., notes.
Official cer-
tificate.
Town plats.

For field and meander notes, per township, eight dollars;

For each official certificate, with seal, one dollar;

For township plats, showing vacant State lands only, each twenty-five cents;

For township plats, showing vacant State lands and streams, ^{Ibid.} fifty cents;

For township plats, showing vacant State lands and streams, ^{Ibid.} together with names of purchasers, one dollar and fifty cents;

For copies of all records and papers which the Commis- ^{Records.} sioner may be required to furnish by law, for each one hundred words, fifteen cents;

For tax statements, on each description of land, per year, six ^{Statements.} cents.

Sec. 3. The fees received for all services under this act shall ^{Fees paid} be paid into the State treasury, and credited to the general ^{into State} fund. ^{treasury.}

Sec. 4. This act shall take immediate effect.

Approved March 26, 1869.

[No. 67.]

AN ACT to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts.

SECTION 1. *The People of the State of Michigan enact, That* ^{Charges,} hereafter in all civil and criminal cases at law, circuit courts, in ^{only as to the} charging or instructing juries, shall charge or instruct them ^{law of the} only as to the law of the case; and such charge or instruction ^{case.} shall be in writing, and may be given by the court of its own ^{Charge to be} motion. ^{in writing.}

Sec. 2. On the trial of any case at law, civil or criminal, in ^{When either} circuit courts, after the evidence is concluded and before the ^{party may} case is argued or submitted to the jury, or the court trying ^{present re-} the case without a jury, either party may present written re- ^{quests for in-} quests for instructions on any point of law arising in the cause, ^{structions.} and upon such written requests so presented, an argument may be made by the counsel for the respective parties, previous to the court passing thereon, as hereinafter enacted.

How court to designate rejected and approved instructions.

Sec. 3. Whenever instructions are asked which the court cannot give, he shall, in the margin thereof, write the word "refused;" and such instructions requested as the court approves, he shall designate by writing in the margin thereof the word "given."

Instructions to be read to jury.

Sec. 4. The instructions or law so settled by the court in writing, either upon its own motion or upon the application of the respective parties, shall be read to the jury, filed in and be a part of the record of the case, and the court shall in no case orally qualify, modify, or in any manner explain the same to the jury.

Approved March 26, 1869.

[No. 68.]

AN ACT to prevent the careless use of fire-arms.

Fire-arms, penalty for careless use of.

SECTION 1. *The People of the State of Michigan enact, That* any person who shall intentionally, without malice, point or aim any fire-arm at or toward any other person, shall be guilty of a misdemeanor, and shall be subject to a fine of not more than fifty dollars, and not less than five dollars.

Penalty for discharge without injury.

Sec. 2. That any person who shall discharge, without injury to any other person, any fire-arm, while intentionally, without malice, aimed at or toward any person, shall be guilty of a misdemeanor, and shall be liable to a fine of not less than one hundred dollars, or imprisonment in the county jail not to exceed one year, or both, at the discretion of the court.

Penalty for maiming or injuring.

Sec. 3. Any person who shall maim or injure any other person by the discharge of any fire-arm pointed or aimed, intentionally but without malice, at any such person, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than fifty dollars, or imprisonment in the county jail for a period of not more than one year; and if death ensue from such wounding or maiming, such person so offending shall be deemed guilty of the crime of manslaughter.

In case of death.

Sec. 4. Any party maimed or wounded by the discharge of any fire-arm as aforesaid, or the heirs or representatives of any person who may be killed by such discharge, may have an action on the case against the party offending, for damages which shall be found by a jury, and such damages, when found, may, in the discretion of the court before which such action is brought, be doubled. Action for damages.

Approved March 26, 1869.

[No. 69.]

AN ACT to amend section two of an act entitled "An act to incorporate the Grand Lodge of Free and Accepted Masons of the State of Michigan," approved April 2nd, 1849.

SECTION 1. *The People of the State of Michigan enact,* That section two of an act entitled "An act to incorporate the Grand Lodge of Free and Accepted Masons of the State of Michigan," approved April 2nd, 1849, be amended so as to read as follows: Section amended.

Sec. 2. Said grand lodge shall have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors shall have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the same name shall be persons in law, capable to purchase, take, receive, hold and enjoy, to them and their successors, real estate for the purpose of erecting a masonic temple thereon, not exceeding in value the sum of five hundred thousand dollars, and personal property not exceeding in value the sum of twenty-five thousand dollars; and that they and their successors shall have full authority and power to give, grant, sell, lease, devise, and dispose of the said real and personal estate, or any part thereof, at their will and pleasure; and that they and their successors shall have power from time to time, to make, constitute, ordain, and establish such by-laws, Powers of corporation.
May have common seal.
May purchase real estate.
Limit in value.
Personal estate.
Power to sell estate.
Make by-law.

Proviso.

ordinances, and regulations as they shall judge proper for fixing the times and places of the meeting of the said corporation, and for regulating all the affairs and business of the said corporation: *Provided*, Such by-laws and regulations shall not be repugnant to the constitution and laws of the United States, or of the State of Michigan.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1869.

[No. 70.]

AN ACT to amend section one, of act number eighty-nine, of the session laws of eighteen hundred and sixty-seven, being an act entitled "An act to amend sections five, ten and twenty-four, of an act entitled 'An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other purposes,' approved February five, eighteen hundred and fifty three, being sections eighteen hundred and three, eighteen hundred and eight and eighteen hundred and twenty-two, of the compiled laws."

Section amended.

SECTION 1. *The People of the State of Michigan enact*, That section one, of act number eighty-nine, of the session laws of eighteen hundred and sixty-seven, being an act entitled "An act to amend sections five, ten and twenty-four, of an act entitled 'An act to authorize the formation of corporations for mining, smelting, or manufacturing iron, copper, mineral coal, silver, or other ores or minerals, and for other manufacturing purposes,' approved February five, eighteen hundred and fifty-three, being sections eighteen hundred and three, eighteen hundred and eight and eighteen hundred and twenty-two, of the compiled laws," be so amended as to read as follows:

Annual report.

Sec. 5. Every corporation shall annually, in the month of July, make a report, signed by a majority of the board of directors, containing—

Contents.

- First.* The amount of capital actually paid in;
- Second.* The amount invested in real estate;

Third. The amount of their personal estate;

Fourth. The amount of their debts and credits, as near as may be;

Fifth. The name of each stockholder, and the number of shares held by him at the date of such report; and every such report shall be verified, on oath, by the officers signing the same, which report shall be filed in the office of the Secretary of State, and with the clerk of the county where the mine is situated, in said month of July; and if any person shall, as to any material facts, knowingly and willfully swear or affirm falsely, he shall be deemed guilty of perjury, and be punished accordingly; and every company organized for mining or smelting purposes, shall, within the said month of July, file a copy of said report with the clerk of the county where the mine of the company is located; and if the directors of any mining company shall, intentionally, neglect or refuse to make such report and file the same and a copy thereof, as hereinbefore provided, each of such directors shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars.

To be filed with Secretary of State and county clerk in July

Penalty for false swearing or neglect to file report.

Sec. 2. This act shall take immediate effect.

Approved March 26, 1869.

[No. 71.]

AN ACT to amend section seven, of chapter nineteen, of the compiled laws; also, section fifteen, of chapter twenty-one, of the compiled laws, as amended by act number one hundred and ninety-nine, of the session laws of eighteen hundred and sixty-seven; also, section seventeen of said chapter twenty-one, and also to add three new sections to said chapter, to stand as section[s] twenty-two, twenty-three and twenty-four, relating to duties of overseers of highways and commissioners of highways.

SECTION 1. *The People of the State of Michigan enact, That* section seven, of chapter nineteen, of the compiled laws, be amended so as to read as follows:

Section amended.

Time for collection of highway taxes from residents.

Sec. 7. Every overseer of highways shall cause two-thirds of the assessment of highway taxes to be collected from all the resident inhabitants of his district, before the first day of July, and all the remainder of said assessment before the first day of November.

Section amended.

Sec. 2. That section fifteen, of chapter twenty-one, of the compiled laws, as amended by act number one hundred and ninety-nine, of the session laws of eighteen hundred and sixty-seven, be amended so as to read as follows:

Overseer to make list of non-resident lands, when assessed labor is unpaid

Sec. 15. Every overseer of highways shall, between the first and fifteenth days of November, in each year, when required by a commissioner of highways, make out and deliver to such commissioner a list of all the lands of non-residents and of persons unknown, which are taxed upon his list, on which the labor assessed has not been paid, and the amount of labor unpaid; also, a list of all lands and personal property assessed as resident, upon which the owner or occupant shall have refused or neglected to work on the highway, after being duly notified by the overseer; and said overseer shall make and subscribe an affidavit thereon, before some person competent to administer oaths, or before a commissioner of highways, that he has given such notice as is required by law, and that the labor assessed upon the lands and personal property so returned has not been performed, and remains unpaid.

Also list of resident lands and property.

Affidavit of overseer.

Section amended.

Sec. 3. That section seventeen, of chapter twenty-one, of the compiled laws, be amended so as to read as follows:

Overseer's account to commissioners.

Sec. 17. Every overseer of highways shall, between the first and fifteenth days of November, render to the commissioners of highways an account, in writing, verified by his oath, to be administered by a commissioner of highways, or some other person competent to administer such oaths, and containing—

Contents.

First. The names of all persons assessed to work on the highways in his district;

Second. The names of all those who have actually worked on the highways, with the number of days they have so worked;

Third. The names of all those against whom judgments have been recovered by virtue of this chapter, and the sums so recovered;

Fourth. The names of all those who have commuted and the amounts paid by them, and the manner in which the moneys arising from judgments and commutations have been expended by him;

Fifth. A list of all the non-resident lands in his district, upon which labor has been performed or commuted for.

Sec. 4. The following shall stand as sections twenty-two, twenty-three and twenty-four, of chapter twenty-one, of the compiled laws:

Sec. 22. The commissioner of highways whose term of office will soonest expire shall, between the first and fifteenth days of November in each year, call upon each overseer of highways of his township, for the purpose of procuring the returns mentioned in sections fifteen and seventeen of this chapter, and shall deposit the returns mentioned in section fifteen of this chapter with the supervisor of his township, and the returns mentioned in section seventeen of this chapter with the township clerk.

Sections added.

Commissioner to obtain returns from overseer.

Where same deposited.

Sec. 23. It shall be the duty of the Auditor General, at the time of transmitting blanks for the use of supervisors in making out their assessments, to transmit blanks with proper headings, for the use of the commissioners of highways in making lists of highway taxes; also, blanks for the proper return of overseers, mentioned in sections fifteen and seventeen of this chapter.

Duty of Auditor General.

Sec. 24. It shall be the duty of the Secretary of State to cause a sufficient number of copies of this act to be published, to furnish at least one copy to each township clerk in the State, and to send a copy to each township clerk by the first day of April, eighteen hundred and sixty-nine.

Duty of Secretary of State.

Sec. 5. This act shall take immediate effect.

Approved March 30, 1869.

[No. 72.]

AN ACT to repeal act number two hundred and thirty-seven, of the session laws of eighteen hundred and sixty-one, approved March sixteenth, eighteen hundred and sixty-one, being "An act to regulate proceedings in certain cases of nuisance."

Act repealed. SECTION 1. *The People of the State of Michigan enact*, That act number two hundred and thirty-seven, of the session laws of eighteen hundred and sixty-one, approved March sixteenth, eighteen hundred and sixty-one, being "An act to regulate proceedings in certain cases of nuisance," be and the same is hereby repealed.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 73.]

AN ACT for the incorporation of societies of marksmen.

Incorporation authorized. SECTION 1. *The People of the State of Michigan enact*, That corporations may be organized under the provisions of this act, for the improvement and perfection of marksmen, subject to the provisions hereinafter set forth.

Number of corporators. Sec. 2. That any five or more persons who may desire to become incorporated for the purpose set forth in section one, may execute under their hands, and acknowledge before some person within this State authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement as hereinafter specified; one copy whereof shall be filed and recorded in the office of the Secretary of State, and a record shall be made of such articles, or a certified copy thereof, in the clerk's office of the county in this State in which the office of said association, for the transaction of business, may be located;

Body politic and corporate. and upon the execution and acknowledgment of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purposes set forth in such articles.

Sec. 3. The articles of such association shall contain:

Articles shall contain.

First. The names of the persons associating in the first instance, and their places of residence.

Second. The name of such corporation, and the place where its office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years.

Third. The objects for which it is organized.

Fourth. The number of directors and regular officers, and the time and place for holding its annual meeting.

Fifth. The terms and conditions of membership therein.

Sec. 4. The affairs of said corporation shall be managed by Directors, not less than five, or more than twenty directors, to be chosen for such period and in such manner as the by-laws of such corporation shall provide, and who shall hold their offices until their successors are chosen and qualified. The officers may be chosen, and the by-laws of such corporation adopted and changed, by the directors, as the articles or by-laws may prescribe; a majority of the directors shall be a quorum to transact business; all of such directors shall be residents of the State of Michigan.

Terms of office.

Powers of

Quorum of

Residence.

Sec. 5. No such corporation shall have power to take or hold any real estate, except such as may be necessary for the transaction of its business.

Real estate.

Sec. 6. All the funds received by such corporation, shall be used in the first instance, or shall be invested, and the income thereof used after paying necessary expenses, for the exclusive purpose set forth in the articles of association, and no portion thereof shall be used for any such purpose except within the State; and no portion of the funds of any such incorporation shall be used or contributed towards the erection, completion, or furnishing of any building not owned or used by said corporation. Such corporation may take by gift, purchase, or devise property (exclusive of that actually used and necessary for the transaction of its business,) to an amount not exceeding fifty thousand dollars, and it shall be lawful to invest the same upon mortgage, or in or by loan on railroad stocks, or bonds, or any

Funds received, how used.

Limit to amount of property corporation may take, etc.

Proviso.

city, county, or government securities, or deposit it at some bank, or with any broker in the State: *Provided*, That any such corporation may, in its articles of agreement, specify the kind of securities in which its funds shall be invested, and that no part of its funds shall be invested in any securities other than those named in its articles, or where the securities shall not be specified in the articles of agreement, then such funds shall only be invested in such securities as are specified in this act.

Not to duplicate name.

Sec. 7. No two such associations, incorporated under this act, shall transact business under the same name.

Tax upon invested capital.

Sec. 8. Every association organized under the provisions of this act, shall pay to the State Treasurer on or before the second Monday of January, in each year, during its corporate existence, one per cent. upon its capital actually invested, deducting the real estate held by such association, which amount shall be in lieu of all other taxes or assessments. All real estate owned by such association, may be taxed as other real estate in the city, village, or township where the same may be situated.

Tax upon real estate.

Approved March 30, 1869.

[No. 74.]

AN ACT to provide a tax for the expenses of the State Government.

One mill tax authorized.

SECTION 1. *The People of the State of Michigan enact*, That one mill on the dollar of the aggregate of the real and personal estate, as equalized by the State Board of Equalization for the year eighteen hundred and sixty-six, be levied and collected upon the taxable property of the State for each of the years eighteen hundred and sixty-nine and eighteen hundred and seventy, and the same is hereby appropriated for the payment of the expenses of the State government, and the interest upon the State debt, not otherwise provided for.

Sec. 2. The Auditor General shall apportion each year, the sums herein directed to be raised, among the several counties, in proportion to the taxable property therein, as determined by the State Board of Equalization; and he shall, on or before the fifteenth day of September, in each year, make out and transmit to the clerk of the several boards of supervisors, the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionment to the counties respectively.

Auditor General to apportion, and transmit amount to county clerk and charge same to counties.

Sec. 3. This act shall take immediate effect.

Approved March 30, 1869.

[No. 75.]

AN ACT to provide for the payment of the interest of the State debt.

SECTION 1. *The People of the State of Michigan enact, That* there be and is hereby appropriated out of any money in the treasury to the credit of the general fund, for the year eighteen hundred and sixty-nine, the sum of one hundred and sixty thousand dollars, and for the year eighteen hundred and seventy, the sum of one hundred and sixty thousand dollars, for the payment of the interest on the renewal loan, the two million loan, the war loan, and the war bounty loan, for which the faith of the State is pledged, if so much shall be required; if not, the balance shall be used in the payment of some portion of the principal of the State debt, in accordance with the provisions of Senate joint resolution number five, approved March sixth, eighteen hundred and sixty-nine.

Appropriation

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 76.]

AN ACT to amend section twenty-three, of chapter ninety-four, of the revised statutes of one thousand eight hundred and forty-six, being section three thousand nine hundred and forty-six, of compiled laws, relating to criminal proceedings before justices of the peace.

Suit to be
prosecuted
by county
treasurer to
recover fine
not paid over

SECTION 1. *The People of the State of Michigan enact, That* section twenty-three, of chapter ninety-four, of revised statutes of one thousand eight hundred and forty-six, being section three thousand nine hundred and forty-six, of the compiled laws of one thousand eight hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

Penalties for
neglect to
pay over.

Sec 23. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the county treasurer immediately to commence a suit therefor, in the name of the people of the State of Michigan, and to prosecute the same diligently to effect. Any person neglecting to pay over such fine to the county treasurer for the period of sixty days after receiving the same, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall pay a fine of not less than fifty, nor more than one hundred dollars, or be imprisoned in the county jail of such county not less than thirty, nor more than ninety days, or both, in the discretion of the court:

Provided, That all justices of the peace shall keep an exact record of all proceedings had before them, and failing to do so, shall be liable to the same penalties as above.

Provide.

Approved March 30, 1869.

[No. 77.]

AN ACT in relation to Life Insurance Companies transacting business within this State.

Thirteen per-
sons may
form a com-
pany.

SECTION 1. *The People of the State of Michigan enact, That* any number of persons not less than thirteen may associate together and form an incorporated company, for the purpose of

making insurance upon the lives of individuals, and every insurance pertaining thereto, and to grant, purchase, and dispose of annuities. Every company organized under this act shall have authority to reinsure any risk herein authorized to be undertaken by them, and to grant reinsurance upon any similar risk, undertaken by any other company, but shall not have power to undertake marine and fire risks, or any other species of insurance whatever, except upon lives, or to be in any way connected in their business with any company undertaking other risks than upon the lives of individuals.

Authority to re-insure risks.
Confined to life insurance exclusively.

Sec. 2. The persons so associating shall subscribe articles of association, which shall contain—

Articles; contents of

1. The names of the associates, and their places of residence respectively;

Names, etc., of associates.

2. The name by which the corporation shall be known, and the place where its principal office for the transaction of business is to be established, and the period for which it is to be incorporated;

Name. Office.

3. The purposes of the incorporation, as mentioned in the first section of this act;

Purposes.

4. The manner in which the corporate powers are to be exercised; the number of directors and other officers, and the manner of electing the same, and how many of the directors shall constitute a quorum, and the manner of filling all vacancies;

How powers to be exercised. Officers, how elected, etc.

5. The amount of the capital stock, if any, and what proportion is to be paid in before the corporation shall commence business;

Capital stock.

6. The time for the holding of the annual meetings of the corporation; and,

Annual meetings.

7. Any terms and conditions of membership therein which the corporators may have agreed upon, and which they may deem important to have set forth in such articles. And the said corporators shall publish a copy of said articles, with notice of their intention to become incorporated under the same, in some newspaper published in the county where their principal office is to be located, once in each week for at least

Conditions of membership.
Articles to be published.

Proof of same to be filed with Secretary of State.

four weeks before filing such articles as hereinafter provided; and at the time of filing such articles, they shall also file with the Secretary of State, proof of such publication.

Books of subscription.

Sec. 3. The persons so associating, shall, after having published such articles and notice, open books of subscription to the capital stock of the corporation, and keep the same open until the whole amount specified in the articles shall be subscribed; or, if said corporation is to transact business on the mutual plan, then they shall open books to receive propositions, and enter into agreements, as hereinafter specified.

Capital stock of stock companies to be \$100,000.

Shares \$50 each.

How capital increased.

\$100,000 to be deposited with State Treasurer.

Sec. 4. The capital stock of any stock company organized under this act, shall not be less than one hundred thousand dollars, in shares of fifty dollars each, which capital stock may be increased by a vote of two-thirds of the stockholders present, or represented at any regular meeting called for the purpose, to not more than five hundred thousand dollars; and no such stock company, and no company organized to do business on the mutual plan, shall be authorized to issue policies, or assume any risks whatever, until they shall have deposited with the State Treasurer, as security for any liability to insured parties, stocks or bonds of this State or of the United States, to the amount, in par value, exclusive of interest, of not less than one hundred thousand dollars, which stock or bonds shall be retained by the State Treasurer, and disposed of as hereinafter directed: *Provided, however,* That personal obligations, secured by first mortgages on real estate within this State, worth, exclusive of all buildings, at least double the amount of the lien, and bearing an interest of not less than seven per centum per annum, may be received by the State Treasurer, instead of bonds or stocks, to the amount of not exceeding fifty thousand dollars; but any examination by the State Treasurer, or under his direction, to satisfy him respecting the title or value of the property mortgaged, shall be at the expense of such company; and no mutual insurance company shall commence business, by issuing policies, until they shall have received at least five hundred applications for insurance, on which the premiums

Provide.

shall amount to at least five thousand dollars, nor until the examination by the Attorney General and commissioners, as hereinafter provided.

Sec. 5. The articles of association shall be submitted to the Attorney General for his examination, and if found by him to be in compliance with this act, he shall so certify to the Secretary of State, and the Secretary of State shall thereupon appoint three disinterested persons residing in the county where the principal business office of the corporation is proposed to be established, who shall certify, under oath, if they find such to be the fact, that the provisions in the articles of association, in respect to capital stock, as shown to them to have been fully complied with; and if the company is organized to do business on the mutual plan, that the company is in the actual possession of the applications for insurance, hereinbefore provided for, and that it was shown to them by the affidavit of the president and secretary of the company that such applications have been taken in good faith and not merely colorably, and that [such] officers believe it to [be] the intention of each of the applicants to receive and pay for policies thereon, when the company shall be prepared to issue the same. A copy of the articles of association, together with such certificate and affidavit, shall thereupon be filed with the Secretary of State, and another copy of the articles and a copy of such certificate and affidavit, with the county clerk of the county in which the company's principal office is to be established; and the filing of the same with such officers, and the deposit with State Treasurer of the stocks, or bonds, and mortgage securities, as hereinbefore provided, shall be the authority of the company to commence business and issue policies.

Articles to be approved by Attorney General.

Secretary of State to appoint examiners.

Certificate of said examiners.

Articles where filed.

Authority to commence business.

Sec. 6. Whenever it shall be necessary, in any legal proceedings, to prove the corporate existence of any such company, a copy of the articles of association, with a certificate by the Secretary of State, attached, that such copy is a duplicate of the copy on file in his office; that the certificate and affidavit required to be filed by examining commissioners, are also on

Corporate existence; how proved.

file in his office, and that it has been made to appear to him by the certificate of the proper county clerk, that another copy of such articles has been duly filed in the office of such clerk, and by the certificate of the State Treasurer, that the securities required to be deposited with him have been deposited, shall be *prima facie* evidence of the corporate existence of the company; and except in proceedings by or under the authority of the State, to question its corporate right by information in the nature of a *quo warranto* or otherwise, shall be conclusive evidence of the authority of the company to issue policies and transact business as contemplated by its articles, until such authority has been terminated by the expiration of the term of incorporation, or on some one of the grounds hereinafter specified.

Not to hold
real estate,
except as
herein speci-
fied.

Sec. 7. No company formed under this act shall purchase or hold any real estate, except:

1. Such as shall be necessary for its immediate accommodation in transacting business; or,
2. Such as shall have been conveyed or mortgaged to the company in good faith, by way of security for debts; or,
3. Such as shall have been conveyed to the company in satisfaction for debts; or,
4. Such as shall have been purchased at sales upon judgments, decrees, or mortgages in favor of such company, or held or owned by it; and all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed of within five years after the title has been perfected in such company.

By-laws.

Sec. 8. The directors of any company organized under this act shall have power to make such by-laws, not inconsistent with the constitution and laws of this State, or with their articles of association, as they may deem necessary for the government of the officers and members of the company, and the conduct of its affairs.

Sec. 9. The bonds, or stocks and mortgage securities deposited by any such company with the State Treasurer, shall be held by him as security for policy-holders in such company; but so long as it continues solvent, the company shall have the right from time to time to collect and receive the dividends or interest thereon, and to withdraw any of the same, on depositing with the State Treasurer other securities of the kinds specified, so that the amount in his hands for the security of policy-holders, at any time, shall not be less than one hundred thousand dollars, exclusive of interest. If at any time a claim shall be made against any such company on one of its policies, and the same shall not be adjusted and paid, and the claimant shall recover judgment thereon against the company, the State Treasurer, on being served with an affidavit by the claimant or his attorney, setting forth the recovery of the judgment, and that the same has remained unpaid for three months, and that no proceedings are pending for the review or reversal of the same, shall proceed to sell at the current market value, sufficient of the stocks or bonds so deposited with him, to satisfy the amount of such judgment, together with one per centum for his services and expenses; or, if said stocks or bonds shall previously have been disposed of for the satisfaction of claims, then he shall proceed to collect sufficient of the mortgage securities to pay the amount of the claim mentioned in such affidavit, with his reasonable costs and expenses; and said company, after notice of the service of such affidavit, shall not be at liberty to issue any new policies until any deficiency of securities caused by the necessity of meeting such claims, shall have been made good by further deposit with said State Treasurer of the like securities: *Provided, however,* That if any such company shall become insolvent, and proceedings shall be taken in equity with a view to its dissolution, nothing in this section contained shall prevent an equal and just distribution of all its assets, including the securities so deposited with the State Treasurer, among the persons equitably entitled thereto.

Deposits with State Treasurer to be security for policy-holders. When company may receive interest thereon.

When State Treasurer may proceed to sell stocks or bonds deposited, to satisfy claims unadjusted.

Company not to issue new policies, until any deficiency in securities has been made good.

Proviso.

Regarding
companies
not organ-
ized under
statutes of
Michigan.

Deposit with
State Treas-
urer; how
held.

Sale of, to
satisfy judg-
ments.

Penalty for
non-compli-
ance with
law.

Proviso re-
garding de-
posit in this
State.

Sec. 10. No company organized or existing under any authority whatsoever, other than the statutes of this State, shall be at liberty to transact the business of life insurance within this State, until such company, in addition to the requirements now made by law, shall have deposited with the State Treasurer one hundred thousand dollars of the like securities required to be deposited by companies formed under this act, which shall be held as security for any losses suffered by policy-holders therein, upon the same terms and conditions, and with the same authority of sale or collection to satisfy judgments, as are set forth in the last preceding section; and any person who shall solicit and obtain within this State, applications for insurance upon lives, in any company not organized under the statutes of this State, before such securities are deposited, shall be liable to a penalty of one hundred dollars for every application obtained, to be sued for and recovered in the name of the people, by the Attorney General, or prosecuting attorney of the proper county, either by action of debt or criminal prosecution; and any person who shall have paid to any agent of such company any premium moneys, before such securities are deposited, shall be entitled to recover the same back from such agent, or, at his option, from the company, by action of assumpsit, to be brought at any time within six years after such payment: *Provided, however,* That where, by the statutes of any other State, life insurance companies organized or doing business therein, are required to deposit securities with the State Treasurer or other State officer, for the protection of policy-holders generally, and any such company shall furnish to the Secretary of State of this State the certificate of the proper officer of such other State, showing the amount and character of the securities so deposited with him, and it shall appear therefrom that the said securities are equal in market value and availability to one hundred thousand dollars of the interest-bearing bonds of this State, said Secretary of State shall thereupon be authorized to issue to such company an authority or license to transact the business of life insurance

within this State, without any such deposit of securities with the State Treasurer of this State, as is above provided.

Sec. 11. It shall be the duty of the president, or vice president and secretary, or actuary, or a majority of the directors or trustees of any life insurance company transacting business within this State annually, in the month of January, to prepare, under oath, and deposit with the Secretary of State a statement, showing—

1. The number of policies issued during the year; Annual statements; contents of
2. The amount of insurance effected thereby; Number of policies.
3. The amount of premiums received during the year, and what portion thereof was received within this State, or on risks upon the lives of persons resident therein; Amount of insurance. Of premiums.
4. The amount of interest and other receipts, specifying the items; Of interest.
5. The amount of losses paid during the year; Of losses paid.
6. The amount of losses claimed which remain unpaid, and what portion thereof are disputed, and the ground on which the company disputes the same; Of losses unpaid. Of losses disputed.
7. The expenses for the year, stating separately the sum paid to officers as salary, fees, or other compensation; Expenses for year.
8. The whole number of policies in force; Number of policies.
9. The amount of liabilities or risks on such policies, and of all other liabilities; Amount of risks on same.
10. The amount of the capital stock, and how much thereof is paid in; Of capital stock.
11. The amount of accumulation, specifying whether received upon insurance, annuities, or how otherwise; Of accumulation.
12. The amount of assets, and manner in which they are invested, specifying the amount in real estate, on bond and mortgage, stocks, loan on stocks, premium notes, or other securities, and the cash or market value thereof; Amount of assets, and how invested, and cash value of same.
13. The amount of dividend if any, declared in favor of policy-holders, and what proportion thereof has been paid, and also the amount of dividend, if any, declared in favor of stock-holders, and what proportion thereof has been paid; Amount of dividend declared.

Statement of
the policies
in force.

14. A tabular statement of the policies in force for the whole term of life, showing how many thereof for each age of life, and for what amount of risk, were issued or in force for the first year of the existence of the company, during the second year, and so on up to the time of making such statement;

15d.

15. A tabular statement of the policies in force for a shorter period than the whole term of life, showing how many thereof for each age of life, and for what amount of risk were issued or in force during the first year of the existence of the company, during the second year, and so on up to the time of making such statement. And the Secretary of State shall prepare and

Secretary of
State to fur-
nish forms
for state-
ments.

furnish to every company applying therefor, printed forms for the statements herein required; and no company in default in making such statement, shall receive any application, or issue any policy of insurance while so in default, under a penalty of one hundred dollars for every such application or policy, to be recovered of the agent or officer taking or issuing the same, in the same manner that the penalties heretofore provided for are recovered; and any person paying any premium money to such company, or to any agent thereof, upon application made, or policy issued while the company is so in default, shall be entitled to recover the same from such company, or, at his option, from the agent securing the same, in an action of assumpsit. It shall be the duty of the Secretary of State to arrange the information contained in the statements required in this section, in tabular form, or abstracts, and so report the same annually to the Governor, and to cause the same to be published in pamphlet form.

Secretary of
State to pub-
lish annual
report.

Secretary of
State em-
powered to
examine in-
to affairs of
companies.

Sec. 12. Whenever the Secretary of State shall have reason to suspect the correctness of any annual statement, or that the affairs of the company making the same are in an unsound condition, it shall be his duty to cause an examination to be made into the books, papers, and securities of such company, at its expense; and for that purpose he shall be vested with power to examine, under oath, any of the officers or agents of such company, relative to the business and assets thereof, and

whenever he shall deem it for the public interest so to do, he shall publish the result of such investigation in such newspaper as he shall select, or if the company is one organized under the laws of this State, then in some newspaper published in the county where the principal business office of the company is located; and if, in his opinion, the condition of the company is such as to render it improper that it should continue to issue policies, he shall call the attention of the Attorney General to the information obtained, whose duty it shall be to apply to the Supreme Court for an order requiring the company to show cause why their business within the State should not be closed; and such court may give direction for the hearing of the proofs and allegations of the parties; and in case it shall appear to the satisfaction of the court, from said proofs and allegations, that the assets and funds of the company are not sufficient to warrant its continuing to issue policies, the said court shall make an order prohibiting such company from issuing any further policies, and it shall thereupon become unlawful for the company, or any of its agents or officers, to receive any further applications, or to issue any further policies. The securities so deposited with the State Treasurer shall remain in his hands, notwithstanding the company may cease or be prohibited to do business within the State, and shall only be withdrawn on the order of the Supreme Court, or when the officers of the company shall show, by affidavit, to the satisfaction of the Secretary of State and State Treasurer, that the risks for which the company remains liable, and for the security of which the same are held, are less than the securities so deposited; in which case the company may be permitted to withdraw the surplus securities, over and above the risks which then remain.

May publish
result of his
investigation

Duty regard-
ing compa-
nies deemed
by him un-
sound.

How busi-
ness of com-
pany may be
closed.

How securi-
ties may be
withdrawn
when compe-
ny has been
closed up.

Sec. 18. Any false statement in any report required to be made under this act, or any statement so made as fraudulently to conceal the real facts, if intentionally so made, shall, if the company be organized under the laws of this State, be cause of forfeiture of the corporate franchises; and if the company

How corpo-
rate fran-
chises, or
right to
transact busi-
ness may be
forfeited.

Attorney General may institute proceeding for declaration of such forfeitures. be organized under the laws of any other State or government, be cause of forfeiture of the right to transact business within this State, and such forfeitures may be declared by the Supreme Court, in any proper proceeding instituted by the Attorney

Penalties for violation of provisions of this act. General for the purpose; and any officer or agent guilty of any such false or fraudulent statement, or of any intentional violation of the provisions of this act, or who shall aid or abet others in any such violation, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding three months, or by both such

Secretary of State to notify prosecuting attorney. fine and imprisonment; and it shall be the duty of the Secretary of State to notify the prosecuting attorney of the proper county, of any offense under this act which may come to his knowledge, and it shall thereupon become the duty of such prosecuting attorney to cause proceedings to be taken for the punishment thereof.

Companies to be bodies corporate and politic Sec. 14. All companies formed under this act shall be deemed bodies corporate and politic, and shall be subject to all the provisions of the general laws of this State regarding corporations, so far as the same may be applicable; and they may maintain all proper suits at law and in equity against their members and stockholders, or any other person or persons, and be liable to be sued on any obligation they may have assumed, or for any loss which may have occurred, if payment for such loss is withheld more than sixty days after proofs thereof are furnished.

Amendments to articles; how made. Sec. 15. Any company formed under this act shall have the power to amend its articles of association, at any regular meeting of the stockholders or members, called by the directors for that purpose. But notice of such meeting, and of the purpose for which it is called, shall be served on each of the stockholders, or, if it is a mutual company, on each of the members, either personally or by directing the same through the post-office, to the last known post-office address of such stockholder or member, at least three-weeks previous to such meeting. But

Notice of meeting.

such amendments shall not take effect until submitted to the Attorney General, and certified by him not to conflict with the constitution or laws of this State, nor until a copy thereof, signed by the president and secretary of the company, shall be filed in the office of the Secretary of State, and of the county clerk where the original articles were filed; and any company heretofore organized to transact the business of life insurance under any prior law of this State, may reorganize under this law, and have the benefit of all its provisions, by a vote of the stockholders, or, if it be a mutual company, then by a vote of the members called for that purpose, in pursuance of its present articles, on entering into new articles of association, signed by its charter officers, setting forth the particulars required by the second section of this act, and filing a copy of such articles with the Secretary of State and the proper county clerk, after such a certificate of the Attorney General has been obtained, as is required when articles are amended; and such company, in so reorganizing, shall be at liberty to make any change in its mode of doing business, not inconsistent with the provisions of this act, and to increase its capital stock, or to retire any guaranteed capital stock, as the stockholders or members may see fit; but in so reorganizing, they shall be subject to all the provisions of this act in regard to the deposit of securities, and to all its other provisions, in the same manner and to the same extent as if such company had not previously had a corporate existence.

Amendments submitted to Attorney General.

Where filed.

How companies heretofore organized may receive benefits of this act.

Sec. 16. All insurance companies insuring life within this State, and not deriving corporate existence from its laws, shall annually, at the time of filing their annual report with the Secretary of State, pay to the State Treasurer a tax of three per centum on all premiums received in cash or otherwise, by such companies or their agents within this State, or from insured parties residing therein during the preceding year; and in case of neglect or refusal of such company to pay such tax within ten days after the filing of such report, the State Treasurer may proceed to collect the same out of the interests or dividends on any securities that such company may have deposited

Specific tax of 3 per cent. to be paid by foreign companies.

When State Treasurer may collect tax.

with him, as hereinbefore provided; and, in case no such securities are deposited, then it shall not be lawful for the company in default to receive any application for insurance, or to issue any policy, until such tax is paid; and any agent or officer receiving any such application, or issuing any such policy while such default continues, shall be liable to a penalty of one hundred dollars, to be collected in the same manner with the other penalties hereinbefore provided.

Policies non-
forfeiting.

Sec. 17. No policy of insurance on life, issued after this act shall take effect, by any company organized under the laws of this State, shall be forfeited or become void by the non-payment of any premium thereon, after the first, any further than

Net value of
policy; how
ascertained.

as follows: The net value of the policy when the premium becomes due and is not paid, shall be ascertained, according to the "American Experience Table" rate of mortality, with interest at four and one-half per centum per annum. Three-fourths of such net value shall be considered a net single premium of the whole life insurance, and the amount it will insure shall be determined according to the age of the party at the time when the unpaid premium became due, and the assumption aforesaid in regard to interest and rate of mortality; but if no application be made to the company for such paid-up policy within one year after default shall have been made in payment, then all liability on the part of the company on the policy on which the party is in default, shall cease.

When liability
of company
shall
cease.

Companies
to furnish
data for de-
termining
liabilities
and valua-
tion of poli-
cies.

Sec. 18. Every company doing a business of life insurance within this State, shall annually, in the month of January, furnish to the Secretary of State the data necessary for determining the amount of all its liabilities, and the valuation of all its outstanding policies, to be made by the Secretary of State, or under his authority; and in making such valuation, the rate of interest to be assumed shall be four and one-half per centum per annum, and the rate of mortality shall be that established by the "American Experience Life Table," as shown in the schedule hereto annexed; and such company shall pay to the Secretary of State, as a compensation for such estimate, one cent for each

Rate of in-
terest as-
sumed in
valuation.
Rate of mor-
tality.

Compensa-
tion.

thousand dollars insured: *Provided*, That where, by the laws Provide. of any other State, an annual valuation is required to be made by an insurance commissioner or other State officer, the official certificate of any such commissioner or officer, being filed with the Secretary of State, and showing the annual official valuation of the policies of any company doing business within such State, and showing also the basis of such valuation, shall be sufficient, and stand in the place of any valuation of the policies of such company, by or under the directions of the Secretary of State of this State; but no company shall be permitted to transact business within this State, unless the amount of its assets shall equal the net value of all its outstanding obligations, Amount of assets must equal net value of obligations. as determined according to the assumptions in regard to rates of interest and mortality as hereinbefore provided; and in case Otherwise Secretary of State shall serve notice upon agent or the company. the assets of any company transacting business within this State shall at any time be less than is required by the provisions of this act, the Secretary of State shall serve a written notice upon the person designated by such company to receive service of process under the laws of this State, or shall address such notice by mail, to the principal office of such company, and publish the same at least three times in some newspaper circulated daily in this State; and if, after the expiration of ten days from the service or publication of such notice, any agent or officer of such company shall receive applications for policies, while such deficiency exists, company shall not receive applications, etc. or issue policies, while such deficiency of assets exists, and the costs of giving such notice remains unpaid by such company, he shall be subject to the penalties provided in section ten of this act: *Provided, further*, That when the certificate of the Provide. Secretary of State of the official valuation of the policies issued by any company organized under the laws of this State, shall not be accepted by any other State in lieu of a valuation of the same by the insurance officer of such other State, then all companies organized under the laws of such other State, shall be required to have a separate valuation made under the authority of the Secretary of State of this State, as herein provided.

False representation of amount of capital.

Penalties therefor.

Recovery of money, note, etc., when false representations have been made.

False statements sufficient ground for proceedings by Attorney General.

Provided.

Sec. 19. If any company insuring life within this State shall, by means of any advertisement, circular, notice or statement, printed or written, published, posted, or circulated through and by the agency of any officer, agent, or other person, or by any other means, falsely represent or hold out to the public that the capital stock of such company is greater than its actual amount, or that the accumulation of such company is greater than its actual cash or market value, every director, officer, or agent of such company guilty of any participation therein, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court; and if any such company, after any such false advertisement, circular, notice, or statement shall have been published, posted or circulated, shall receive any money, note, or obligation for the payment of money, from any person as a consideration for any insurance made, or policy issued or to be issued by such company, such money, note or obligation shall be deemed and taken to have been received without consideration; and the directors of such company, and any officer or agent receiving the same, shall be jointly and severally liable in an action of assumpsit for the repayment thereof, and shall also, in like manner, be liable to the person insured, for the amount of the insurance. And any such false advertisement, circular, notice or statement, shall be sufficient ground for proceedings on the part of the Attorney General, in the Supreme Court, for a forfeiture of the chartered privileges of such company, or for an order prohibiting the further transaction of business by it within this State: *Provided*, That no such forfeiture shall be declared on that ground, solely, if it shall appear either that the publication was by mistake, or that the directors, officers, or agents making the same have been dismissed from the service of such company, and that the company has published such true statement of its affairs as may have been directed by the Attorney General, or such court.

Sec. 20. Any physician who, as medical examiner for any such company, or as the reference of, or medical examiner for any person seeking insurance therein, shall knowingly make any false statement or report to the company, or any officer thereof, concerning the bodily health or condition of any applicant for insurance, or concerning any other matter or thing which might affect the propriety or prudence of granting such insurance, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to a fine not exceeding one thousand dollars, or to imprisonment in the county jail not exceeding three months, in the discretion of the court, and he shall also be liable to the company in an action on the case for the full amount of any insurance obtained from such company by means or through the assistance of such false statement or report.

Protection of companies against false statements by medical examiners.

Penalties.

Sec. 21. The mortgages authorized to be deposited with the State Treasurer, under this act, shall be made or assigned to him in his name of office, but shall not be subject to assignment or sale by him, except as the company depositing the same may become entitled to receive the same back according to the conditions of this act; but said State Treasurer may enforce the same in his name of office, whenever necessary to pay claims as hereinbefore provided. The custody of any securities by the State Treasurer under this act, shall be deemed the custody of the State, and any sale, transfer by hypothecation, or conversion of any such securities by the State Treasurer, or by any officer, clerk, or other person employed in his office, except as authorized by this act, shall be deemed an act of embezzlement, and shall be punished by imprisonment in the State prison not more than fourteen years, or by fine not exceeding two thousand dollars, or by both such fine and imprisonment, in the discretion of the court.

Mortgages to be assigned to State Treasurer in his name of office.

When may enforce, same.

Custody of securities by State Treasurer deemed custody of the State.

Sec. 22. The business of insuring lives within this State, by any private individual, association, or partnership, or by any incorporated company, organized or existing under any authority whatsoever, other than the statutes of this State, is hereby, except as is provided by this act, wholly prohibited; and any

Wholly prohibiting the business of life insurance, except as provided by statutes of this State.

Penalties for person who shall solicit or obtain within this State, applications for insurance upon lives by any such private individual, association, partnership, or incorporated company, contrary to the provisions of this act, shall be liable to a penalty of one hundred dollars for every application obtained, to be sued for and recovered in the name of the people, by the Attorney General, or prosecuting attorney of the proper county, either by action of debt or criminal prosecution; and any person who shall have paid to any agent of such unauthorized individual, association, partnership, or company, any premium moneys for insurance granted or to be granted, shall be entitled to recover the same back from such agent, or at his option, from the person, association, partnership, or company for which he acted, by action of assumpsit, to be brought at any time within six years after such payment.

Sec. 23. It shall be lawful for any husband to insure his life for the benefit of his wife, and for any father to insure his life for the benefit of his children, or of any one or more of them; and in case that any money shall become payable under the insurance, the same shall be payable to the person or persons for whose benefit the insurance was procured, his, her or their representatives or assigns, for his, her or their own use and benefit, free from all claims of the representatives of such husband or father, or of any of his creditors; and any married woman, either in her own name or in the name of any third person as her trustee, may cause to be insured the life of her husband, or of any other person, for any definite period, or for the term of life, and the moneys that may become payable on the contract of insurance, shall be payable to her, her representatives or assigns, free from the claims of the representatives of the husband, or of such other person insured, or of any of his creditors; and in any contract of insurance, it shall be lawful to provide that on the decease of the person for whose benefit it is obtained, before the sum insured shall become payable, the benefit thereof shall accrue to any other person or persons designated;

Action may be brought within six years.

Husband may insure for benefit of wife or children.

Insurance free from all claims of creditors.

Married woman may insure for benefit of husband.

and such other person or persons shall, on the happening of such contingency, become the lawful owner or owners of the policy of insurance, and entitled to enforce the same to the full extent of its terms, notwithstanding he, she or they may not at the time have any such insurable interest as would have enabled him, her or them to obtain a new insurance.

Sec. 24. In case any amendment to the constitution shall hereafter be adopted which shall authorize such corporations to organize for perpetual existence, or for any period longer than that now permitted, any corporation that may be formed or re-organized under this act shall, by a vote of the stockholders or members to that effect, adopted at any annual meeting, or at any special meeting duly called for the purpose, be entitled to the benefit of such constitutional amendment; and its corporate existence shall thereupon and thereby be extended for the period specified in such vote, within the limits of such amendment; and all the contracts and policies of the corporation shall be as valid, binding and effectual, for all purposes, as if the original term of corporate existence had been the same as prescribed by such vote for the extension thereof.

Corporations organized under this act to receive benefit of any amendments made to constitution. Proceedings to secure such benefit.

Effect on companies' policies and contracts.

Sec. 25. In case no such constitutional amendment shall be adopted during the corporate existence of any company organized under this law, and in case the stockholders or members thereof shall not, before the expiration of such corporate existence, organize a new corporation for the same purposes, on the basis of receiving the assets of the old corporation, and assuming the performance of all its existing contracts and policies, the officers of such corporation, at the expiration of its corporate life, shall be trustees for the purpose of keeping its funds invested for the security of policy-holders, settling its affairs, and fulfilling and discharging its obligations, and as such, shall be under the control and direction of the proper circuit court in chancery, or other equity court, as in the case of other trustees; but the officers of such corporation shall not, at the time of the termination of the corporate existence, or in anticipation thereof, make or declare any dividend, or, except in satisfaction

When officers of corporation to be trustees for certain purposes.

of the demands of creditors or policy-holders, make any other disposition of the assets of the corporation, or of any part thereof, which shall leave the available amount of such assets below the amount of existing debts and of the net value of outstanding policies, to be determined as hereinbefore provided; and any such attempted dividend or distribution shall be void, and may be enjoined on the application of the Secretary of State; and such officers, before entering upon their duties as such trustees, shall give bond to the people of the State to the satisfaction of the Secretary of State, and to be filed with him, conditioned for the faithful discharge of their duties as such; and they shall be at all times subject to the supervision of the Secretary of State, in the same manner that corporations are under the provisions of this act; but such trustees shall not be at liberty to make dividends among stockholders, nor to members, unless in reduction of premiums on outstanding policies, except under the order of the proper court of equity; nor shall such court be at liberty to order any such dividends as shall at any time reduce the available assets of the company below the amount of existing debts and the net value of outstanding policies, to be determined as hereinbefore provided.

Trustees to
give bonds

Acts re-
pealed.

Sec. 26. All acts and parts of acts, contravening the provisions of this act, are hereby repealed.

Sec. 27. This act shall take immediate effect.

Approved March 30, 1869.

SCHEDULE.

TABLE of Mortality, based on American Experiences.

Age.	Numbers living.	Numbers dying.	Expectation of life.	Age.	Numbers living.	Numbers dying.	Expectation of life.	Age.	Numbers living.	Numbers dying.	Expectation of life.
10	100,000	749	46.73	39	78,802	756	28.90	68	43,133	2,243	9.48
11	99,251	745	46.08	40	78,106	765	28.18	69	40,890	2,321	8.98
12	98,505	743	47.44	41	77,341	774	27.45	70	38,569	2,391	8.48
13	97,762	746	46.82	42	76,567	785	26.72	71	36,178	2,448	8.09
14	97,022	737	46.16	43	75,782	797	25.99	72	33,780	2,487	7.54
15	96,285	735	45.50	44	74,985	812	25.27	73	31,243	2,505	7.10
16	95,550	732	44.85	45	74,173	828	24.54	74	28,738	2,501	6.68
17	94,813	729	44.19	46	73,345	843	23.80	75	26,237	2,476	6.23
18	94,089	727	43.53	47	72,497	870	23.06	76	23,761	2,431	5.88
19	93,362	725	42.87	48	71,627	896	22.36	77	21,330	2,369	5.48
20	92,637	723	42.20	49	70,731	927	21.63	78	18,961	2,291	5.10
21	91,914	722	41.53	50	69,804	962	20.91	79	16,670	2,196	4.74
22	91,192	721	40.86	51	68,842	1,001	20.20	80	14,474	2,091	4.38
23	90,471	720	40.17	52	67,841	1,044	19.49	81	12,383	1,964	4.04
24	89,751	719	39.49	53	66,797	1,091	18.79	82	10,419	1,816	3.71
25	89,032	718	38.81	54	65,706	1,143	18.09	83	8,603	1,648	3.39
26	88,314	718	38.11	55	64,563	1,199	17.40	84	6,955	1,470	3.08
27	87,596	718	37.43	56	63,364	1,260	16.72	85	5,485	1,292	2.77
28	86,878	718	36.73	57	62,104	1,325	16.06	86	4,193	1,114	2.47
29	86,160	719	36.03	58	60,779	1,394	15.39	87	3,079	933	2.19
30	85,441	720	35.33	59	59,385	1,468	14.74	88	2,146	744	1.93
31	84,721	721	34.62	60	57,917	1,546	14.09	89	1,402	555	1.69
32	84,000	723	33.92	61	56,371	1,628	13.47	90	847	385	1.42
33	83,277	728	33.21	62	54,743	1,713	12.86	91	462	246	1.19
34	82,551	729	32.50	63	53,036	1,800	12.26	92	215	137	.98
35	81,823	732	31.78	64	51,230	1,889	11.68	93	79	53	.80
36	81,090	737	31.07	65	49,341	1,980	11.10	94	21	18	.64
37	80,353	742	30.35	66	47,361	2,070	10.54	95	3	3	.50
38	79,611	749	29.62	67	45,291	2,158	10.00				

[No. 78.]

AN ACT to amend section four thousand five hundred and eighty-one, of the compiled laws, being section twenty-eight, of chapter one hundred and thirty-four, relating to the action of ejectment.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section forty-five hundred and eighty-one, of the compiled laws, being section twenty-eight, of chapter one hundred and thirty-four, be and the same is hereby amended so as to read as follows:

Verdict upon
several and
distinct pos-
sessions, 21
Wendell, 698

(4581.) Sec. 28. When the action is against several defendants, if it appear on the trial that any of them, at the commencement of the suit, occupied or claimed distinct parcels in severalty, or jointly, and that other defendants possessed or claimed other parcels in severalty, or jointly, all of which titles, possessions or claims were derived from the same source, the jury in such case shall state particularly in their verdict the description of the parcel claimed by each of said defendants, when the said verdict shall be for the plaintiff; and in case the said several titles, claims or possessions were derived from a different source, the plaintiff shall elect at the trial, and before the testimony shall be deemed closed, against which he will proceed, and a verdict shall be rendered for the defendants not proceeded against.

Approved March 30, 1869.

[No. 79.]

AN ACT to authorize judges of probate of certain counties to appoint a register, and prescribing his duties and compensation.

When judge
of probate
may appoint
register.

Salary of

SECTION 1. *The People of the State of Michigan enact, That the* judge of probate of any county, the population of which, according to the last census taken by legal authority, exceeds forty thousand, may appoint a probate register for such county, who shall receive such annual salary as the board of supervisors

shall prescribe, not exceeding six hundred dollars, payable monthly from the county treasury; said register shall have power to receive petitions, fix the time of hearing, administer oaths, and do all other acts required by the judge of probate, except judicial acts. Power of register.

Sec. 2. Attested copies, or exemplifications of any record-proceeding entered in such probate court, and furnished on request to any person, shall be paid for at the rate of eight cents per folio. Fees for copies, etc.

Sec. 3. Act number two hundred and eighty-six, of the session laws of eighteen hundred and sixty-five, entitled "An act to authorize judges of probate of certain counties to appoint a register, and prescribing his duties and compensation," approved March twentieth, eighteen hundred and sixty-five, be and the same is hereby repealed; but nothing herein contained shall be construed to repeal, or in any way affect act number one hundred and thirty-five, of the session laws of eighteen hundred and sixty-one, being an act authorizing the judge of probate of Wayne county to appoint a register. Act repealed Act authorizing appointment in Wayne county not affected.

Approved March 30, 1869.

[No. 80.]

AN ACT to prevent the obstruction of the free passage of fish along the streams and inland rivers, by the interposition of fish weirs, weir dams, or weir nets.

SECTION 1. *The People of the State of Michigan enact, That it shall not be lawful for any person or persons to place a weir dam, fish weir, or weir net, across any race, drain, stream, or inland river of this State, in such a manner as to obstruct the free passage of the fish up and down the same; and any person violating the provisions of this act shall be liable to a penalty of not less than five, nor more than fifty dollars, for each such violation, and also for the payment of two dollars additional penalty for every day he shall continue to keep up such fish weir or weir net, in violation of this act, after having been duly* Penalties for obstructing passage of fish.

How
recovered.

notified by any elector of the township wherein such fish weir or weir net may be, feeling himself aggrieved thereby, to remove the same; said penalty or penalties to be recovered before any court of competent jurisdiction, in the township or county where such offense shall have been committed.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 81.]

AN ACT to amend section seven, of act number one hundred and sixty, of the session laws of eighteen hundred and sixty-one, relative to proceedings against garnishees, and for other purposes, approved March fifteenth, eighteen hundred and sixty-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section seven, of act number one hundred and sixty, of the session laws of eighteen hundred and sixty-one, be and the same is hereby amended so as to read as follows:

When gar-
nishee may
pay to jus-
tice money
owing by
him to de-
fendant.

Sec. 7. Upon closing the examination, if the plaintiff shall have recovered a judgment against the defendant, the garnishee may, after the expiration of the time limited by law for an appeal, or stay of execution on said judgment, if no appeal has been made, or stay of proceedings put in, pay to the justice before whom the examination was had, all money then due and owing by him to the defendant, or sufficient to satisfy said judgment, (except such as is exempt, as provided by section two of this act,) and thereupon such justice shall execute and deliver to the garnishee a release and discharge for the amount paid, and enter such discharge upon his docket, or the plaintiff may immediately declare against the garnishee, in the manner provided by section ten of this act, and the like proceedings shall be had as upon a suit brought against his debtor; but if a suit be pending and undetermined between the plaintiff and the defendant, the cause shall be continued, but it shall not be necessary to adjourn the same to any day cer-

Release, etc.,
entry of up-
on record by
justice.

When suit is
pending be-
tween plain-
tiff and de-
fendant.

tain; and nothing in this amendment shall be so construed as Certain law not inter-
fered with. to in anywise interfere with the provisions of section fourteen, of the act of February twenty-eight, eighteen hundred and forty-nine, relative to costs in proceedings against garnishees.

Approved March 30, 1869.

[No. 82.]

AN ACT to amend sections twelve, thirteen, fourteen and fifteen, of chapter one hundred and fifty-four, of the revised statutes of eighteen hundred and forty-six, being sections five thousand seven hundred and fifty-six, five thousand seven hundred and fifty-seven, five thousand seven hundred and fifty-eight, and five thousand seven hundred and fifty-nine, of chapter one hundred and eighty-one, of the compiled laws, entitled "Of offenses against property."

SECTION 1. *The People of the State of Michigan enact, That* Sections amended. sections twelve, thirteen, fourteen and fifteen, of chapter one hundred and fifty-four, of the revised statutes of eighteen hundred and forty-six, being sections five thousand seven hundred and fifty-six, five thousand seven hundred and fifty-seven, five thousand seven hundred and fifty-eight, and five thousand seven hundred and fifty-nine, of the compiled laws, be so amended as to read as follows:

(5756.) Sec. 12. Every person who shall break and enter, in the night time, any office, shop, railroad depot, warehouse, mill, or factory not adjoining to or occupied with a dwelling-house, or any ship, boat, or vessel within the body of any county, with intent to commit the crime of murder, rape, robbery, larceny, or any other felony, shall be punished by imprisonment in the State prison not more than fifteen years. Breaking and entering an office, etc., in night time. 3 Metcalf, 516 3 " 585 20 Pick. 256.

(5757.) Sec. 13. Every person who shall enter, in the night time, without breaking, or shall break and enter in the day time, any dwelling-house, or any out-house thereto adjoining, occupied therewith, or any office, shop, store, railroad depot, warehouse, mill or factory, or any ship, boat, or vessel within the body of any county, with the intent to commit the crime Entering in night without breaking or breaking in daytime, etc. 22 Pick. 1.

of murder, rape, robbery, larceny, or any other felony, the owner, or any other person lawfully therein being put in fear, shall be punished by imprisonment in the State prison not more than ten years.

Entering,
without put-
ting in fear
lawful occu-
pant.

(5758.) Sec. 14. Every person who shall enter any dwelling house, in the night time, without breaking, or shall break and enter in the day time, any dwelling house, or any out-house thereto adjoining, and occupied therewith, or any office, shop, store, railroad depot, warehouse, mill or factory, or any ship, boat, or vessel lying within the body of any county, with intent to commit the crime of murder, rape, robbery, larceny, or any other felony, no person lawfully therein being put in fear, shall be punished by imprisonment in the State prison not more than five years, or by a fine not exceeding five hundred dollars, and imprisonment in the county jail not more than one year.

Stealing in
daytime in
dwelling,
etc., or break-
ing in the
night and
stealing in
public build-
ing, 3 Met-
calif, 467, 460

(5759.) Sec. 15. Every person who shall steal in the day time, in any dwelling house, office, store, shop, warehouse, mill, factory, ship, boat or vessel, or shall break and enter in the night time, any meeting house, church, court house, college, academy, or other building erected for public use, and steal therein, shall be punished by imprisonment in the State prison not more than five years, or by fine not exceeding five hundred dollars, and imprisonment in the county jail not more than one year.

Approved March 30, 1869.

[No. 83.]

AN ACT to amend section two, of act number two hundred and thirty-one, of the session laws of 1859, being an act to abolish the fees of clerks of the Supreme Court, approved February 15, 1859.

Section,
amended.

SECTION 1. *The People of the State of Michigan enact*, That section two, of act number two hundred and thirty-one, of the session laws of eighteen hundred and fifty-nine, being an act to abolish the fees of clerks of the Supreme Court, approved

February fifteenth, eighteen hundred and fifty-nine, be amended so as to read as follows:

Sec. 2. The clerks of the Supreme Court shall severally receive, as such clerks, three dollars for each days' attendance upon such court during the sessions thereof, to be allowed and audited by the Auditor General, upon the presentation to him of the certificate of either of the judges of the Supreme Court, showing the time of such attendance. The Auditor General shall draw his warrant for the amount so allowed and audited, which warrant shall be paid by the State Treasurer out of the general fund. In addition to such allowance, the clerks shall receive such fees, to be paid by the parties to suits in said court, as shall be fixed by rule adopted by said Supreme Court; such fees to be taxed and recovered in like manner as clerks' costs in circuit courts.

Per diem of
of clerks.

How paid.

Fees of
clerks.

How recov-
ered.

Sec. 2. This act shall take immediate effect.

Approved March 30, 1869.

[No. 84.]

AN ACT to amend an act entitled "An act to amend sections four thousand three hundred and thirty-nine, four thousand three hundred and forty, four thousand three hundred and forty-one, and four thousand three hundred and forty-two of the compiled laws, in relation to the competency of witnesses, and examination of parties in certain cases," approved March eleventh, eighteen hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact, That* section four of an act entitled "An act to amend sections four thousand three hundred and thirty-nine, four thousand three hundred and forty, four thousand three hundred and forty-one, and four thousand three hundred and forty-two, of the compiled laws, in relation to the competency of witnesses, and examination of parties in certain cases," approved March eleventh, eighteen hundred and sixty-one, be so amended as to read as follows:

Section
amended

When husband or wife cannot testify; exceptions.

Sec. 4342. A husband shall not be examined as a witness, for or against his wife, without her consent; nor a wife, for or against her husband, without his consent, except in cases where the husband or wife shall be a party to the record, in a suit, action, or proceeding where the title to the separate property of the husband or wife, so called or offered as a witness, or where the title to property derived from, through, or under the husband or wife so called or offered as a witness, shall be the subject matter in controversy or litigation, in such suit, action, or proceeding, in opposition to the claim or interest of the other of said married persons, who is a party to the record in such suit, action or proceeding; and in all such cases, such husband or wife who makes such claim of title, or under or from whom such title is derived, shall be as competent to testify in relation to said separate property and the title thereto, without the consent of said husband or wife, who is a party to the record in such suit, action or proceeding, as though such marriage relation did not exist; nor shall either, during the marriage or afterwards, without the consent of both, be examined as to any communication made by one to the other, during the marriage; but in any action or proceeding instituted by the husband or wife, in consequence of adultery, the husband and wife shall not be competent to testify.

Approved March 30, 1869.

[No. 85.]

AN ACT to amend section two thousand four hundred and thirty-five, and section two thousand four hundred and sixty-three, of the compiled laws, relative to the payment of moneys by purchasers of the trust fund and swamp lands to county treasurers, and the forfeiture and redemption of said lands.

Sections amended.

SECTION 1. *The People of the State of Michigan enact,* That section two thousand four hundred and thirty-five and section two thousand four hundred and sixty-three, of the compiled laws, be and the same are hereby amended so as to read as follows:

Sec. 2435. The purchasers of any of the trust fund or swamp lands, their assignees, agents or attorneys, may pay to the treasurer of the county in which such lands may lie, any amount which may be due from time to time, on their several certificates, either for principal, interest or penalty; and for the amount so paid the said county treasurer shall give to such person his receipt, specifying the amount paid, date of payment, whether for principal, interest, or penalty, or either, and the amount of each, the number of the certificate on which the same was paid, and the name of the original purchaser of the land, and the fund to which the same belongs, which receipt shall be countersigned by the clerk of said county, and when so given and countersigned, shall have the same force and effect as if given by the State Treasurer: *Provided*, That no payments may be made to, nor any money received by any of the said county treasurers, after the first day of September in each year; but said purchasers shall be permitted to pay such moneys to the Commissioner of the State Land Office, at any time prior to the sale of said lands upon forfeiture, as provided by law.

Purchasers of trust fund, etc., lands may pay to county treasurer.
Treasurer to give receipts specifying, etc.
County clerk to countersign; force and effect of same.
Provide.

Sec. 2463. In all cases where the rights of a purchaser shall have become forfeited, under the provisions of this chapter, by his failure to pay the amount due upon his certificate of purchase, if such purchaser, his heirs or assigns shall, before the time appointed for the sale of the lands described in such certificate at public auction, pay to the Commissioner of the Land Office the full amount then due and payable upon such certificate, and twenty-five cents on each dollar of such amount in addition thereto, such payment shall operate as a redemption of the rights of such purchaser, his heirs or assigns; and said certificate, from the time of such payment, shall be in full force and effect, as if no such forfeiture had occurred: *Provided*, however, That in case the lands described in any certificate of purchase, shall not be redeemed after forfeiture before the day of sale, and the same shall be purchased at such public sale, or from the State at private sale after such public offering, in

Redemption of forfeited rights.
Provide.

the manner now provided by law, by any other person than the holder of such certificate, then and in that case such subsequent purchaser shall pay, at the date of such purchase, into the State treasury the amount now required by law for the purchase of lands at such forfeit sales, and the treasurer shall be required to give his receipt therefor, which shall state in full the amount paid, together with the description of the lands on which the same is paid, and the name of such purchaser, and no certificate shall be issued to such subsequent purchaser until after the expiration of one year from and after the date of such sale, during which time said certificate holder, his heirs or assigns shall have a right to redeem said lands from the effects of such forfeiture by paying into the State treasury all interest, penalty, and charges due upon such certificate, as is now provided by law, together with interest at the rate of twenty-five per cent. per annum on all sums paid by such subsequent purchaser, from the date of such sale up to the date of such redemption; and in case of such redemption, the State Treasurer shall refund to the party whose purchase has been canceled by such redemption the full amount so paid by such subsequent purchaser, together with interest on the same from the date of such payment into the treasury, up to the date of such redemption, at the rate of twenty-five per cent. per annum.

Approved March 30, 1869.

[No. 86.]

AN ACT regulating the selection of lands appropriated for the construction of State roads in certain cases, and to provide for taxing the same.

Contractors
may select
from unsold
State swamp
lands in mar-
ket.

SECTION 1. *The People of the State of Michigan enact, That it shall be lawful for contractors or their assigns, upon all contracts hereafter made with the State for the construction of State swamp land roads or ditches, under existing laws, or any laws that may be hereafter enacted, when, by the conditions of such contracts, the contractors are to be paid in State swamp*

land, to select the same from any State swamp lands unsold, and not withheld from market, in the State of Michigan; and it shall be the duty of the Commissioner of the State Land Office to issue patents for any and all such lands selected under the provisions of this act, within thirty days after the completion of such contract or contracts, and the acceptance of the same by the lawfully constituted agent or agents of the State, and to give notice of the issuing of such patents to the county treasurer of the county in which such lands may be, providing no lands shall be taken from the Upper Peninsula for the construction of roads and ditches in the Lower Peninsula, nor from the Lower Peninsula for the construction of roads in the Upper Peninsula.

When Commissioner of State Land Office to issue certificate for patent.

To notify county treasurer.

Proviso

Sec. 2. All parts of acts, inconsistent with the provisions of this act, be and the same are hereby repealed.

Approved March 30, 1869.

[No. 87.]

AN ACT authorizing the Board of Control of the State Reform School to convey certain real estate.

SECTION 1. *The People of the State of Michigan enact, That* the Board of Control of the State Reform School be and they are hereby empowered to sell and convey, by deed, any lands that have been donated to the Reform School, by will or otherwise, and to place the proceeds of such sale to the library fund of the institution.

Board empowered to sell certain lands.

Sec. 2. The said board shall have power to exchange and convey, by deed, not exceeding six acres of land belonging to the institution, lying south of the Reform School building, and fronting on Michigan avenue, for lands lying nearer the institution, at such rate of exchange as shall be deemed satisfactory, and for the benefit of the Reform School farm.

Board may exchange certain lands.

Board empowered to sell lot No. eight, etc.

Sec. 3. The Board of Control are also empowered to sell and convey, by deed, lot number eight, block number two hundred and forty-six, of the city of Lansing, reserving the use of the spring of water thereon, and the right to convey the water to said institution, for its sole and legitimate use, so long as they shall deem requisite. The moneys arising from the sale of said lot shall be paid into the State treasury, and placed to the credit of the general fund.

Proceeds; how disposed of.

Sec. 4. This act shall take immediate effect.

Approved March 30, 1869.

[No. 88.]

AN ACT requiring corporations doing business in this State, whose principal offices are out of the State, to keep a list of their stockholders and a transfer book within this State.

List of stockholders, to be kept at companies' office in this State.

SECTION 1. *The People of the State of Michigan enact*, That all corporations formed under the laws of this State, and holding property therein, and whose principal office for the transaction of business shall be located without the limits of this State, are hereby required, when such corporations have branch offices in this State, to keep a list of all the stockholders of such corporation, and a transfer book of the stock thereof, at their agency within this State, and if they shall have more than one, then at some one of such agencies, to be designated by the officers of such corporation.

Transfer of stock.

Sec. 2. Any person holding stock in any such corporation may have the same transferred upon the books of such agency within this State, upon the same terms, conditions, and restrictions as is provided by law, or the rules of such corporation, for such transfer, at the principal office of such corporation, wherever it may be situated.

Approved March 30, 1869.

[No. 89.]

AN ACT to amend section twenty-four, of chapter one hundred and forty, of the revised statutes of eighteen hundred and forty-six, being section five thousand three hundred and eighty-four, of the compiled laws, relative to the limitation of personal actions, as amended by act number thirty, of the session laws of eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section twenty-four, of chapter one hundred and forty, of the revised statutes of eighteen hundred and forty-six, being section five thousand three hundred and eighty-four, of the compiled laws, as amended by act number thirty, of the session laws of eighteen hundred and sixty-seven, be so amended as to read as follows:

(5384.) Sec. 24. Every action upon a judgment or decree ^{When action upon judgment shall be brought.} heretofore rendered, or hereafter to be rendered, in a court of record of the United States, or of this State, or of any other State of the United States, shall be brought within ten years after the entry of the judgment or decree, and not afterwards: *Provided*, That in all cases of judgments, or decrees entered ^{Provided.} nine years or more before this act shall take effect, one year from the time when this act shall take effect shall be allowed for the commencement of an action or proceeding upon such judgment or decree, to revive the same: *Provided further*, That ^{And.} no judgment or decree shall be revived, an action to recover or enforce which is now legally barred.

Approved April 2, 1869.

[No. 90.]

AN ACT to amend section five hundred and sixty-nine, of the compiled laws, in reference to the bond of township treasurers.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section five hundred and sixty-nine, of the compiled laws, be amended so as to read as follows:

Bond of
treasurer.

Sureties ap-
proved by
supervisor.

Where bond
filed.

Clerk to re-
cord same
and deliver
to supervisor

Each township treasurer within the time limited for filing his oath of office, and before he shall enter upon the duties of his office, shall give a bond to the township in such sum and with such sureties as the supervisor shall require and approve, conditioned for the faithful discharge of the duties of his office, and that he will faithfully and truly account for, and pay over according to law, all moneys which shall come into his hands as such treasurer, and the supervisor shall endorse his approval thereon. It shall be the duty of such treasurer to file within the time above mentioned, said bond with the township clerk of such township, who shall record the same in a book to be provided for that purpose. The township clerk shall, after recording the same, deliver it to the supervisor, who shall file it in his office.

Approved April 2, 1869.

[No. 91.]

AN ACT to amend section five, of chapter one hundred and fifty-eight, of the revised statutes, being section fifty-eight hundred and sixty, of the compiled laws, of offenses against chastity, morality and decency.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section five, of chapter one hundred and fifty-eight, of the revised statutes, being section fifty-eight hundred and sixty of the compiled laws, be amended so as to read as follows:

Excepted
cases.

(5860.) Sec. 5. The provisions of the preceding section shall not extend to any person whose husband or wife shall have been continually remaining beyond sea, or shall have voluntarily withdrawn from the other and remained absent for the space of five years together, the party marrying again, not knowing the other to be living within that time, nor to any person who shall have good reason to believe such husband or wife to be dead, nor to any person who has been legally divorced from the bonds of matrimony.

Approved April 2, 1869.

[No. 92.]

AN ACT to provide for the appointment of a stenographer for the circuit court for the county of Wayne, and other counties in this State, and to limit the operation of sections one and four of an act to declare and establish the practice in charging or instructing juries, and in settling the law, in cases tried in circuit courts, approved March 26th, 1869.

SECTION 1. *The People of the State of Michigan enact,* That a Governor to appoint stenographer for Wayne county. stenographer for the circuit court for the county of Wayne shall be appointed by the Governor, on the certificate of the judge of said court, that the business of said court is such as to render the employment of a stenographer desirable.

Sec. 2. The person so appointed shall be deemed an officer Stenographer deemed officer of court. of the court, and shall hold the position during the pleasure of the Governor, provided that the court shall have the power to suspend him for misconduct; and in case of such suspension, he shall thereafter cease to hold the office of stenographer, unless by order of the court his suspension be rescinded. If Governor may remove or suspend him. If such suspension shall not be rescinded within thirty days after the order, the office shall be deemed vacant, and it shall thereupon be the duty of the Governor, on receiving notice from the presiding judge of such vacancy, to fill the same by appointment.

Sec. 3. In case of the death or resignation of the stenographer, or of his inability to serve from any cause, the Governor shall appoint a successor to the office, on receiving notice from the presiding judge of such fact; but in case of sickness or temporary absence of the stenographer, the judge may appoint some competent person to act in his absence. Vacancy; how filled.

Sec. 4. It shall be the duty of every stenographer so appointed, Duties of stenographer to attend upon the court during each term, and to take full stenographic notes of the testimony, and all other proceedings in the trial of every cause; and in case the judge or the counsel for either party shall desire it, he shall make a legible transcript of his notes, which shall be filed by the clerk, and preserved as part of the files in the cause, subject to the inspection and use of both parties.

Compensation

Sec. 5. Each stenographer so appointed, shall receive as a compensation, a salary of two thousand dollars per annum, which shall be paid in monthly installments out of the county treasury.

Tax upon parties to suit.

Sec. 6. Each and every issue of fact tried before the court or jury, shall be taxed three dollars, the same to be paid by the parties to the suit, in equal proportions, at the close of the trial, into the hands of the clerk, and by him to be paid into the county treasury, to apply upon the payment of the salary of said stenographer, hereinbefore provided, and the prevailing party shall have the amount so paid by him taxed in his costs, as proper disbursements.

Oath of stenographer.

Sec. 7. Before entering upon the duties of his office, each stenographer shall take and subscribe the official oath prescribed by the constitution, which oath shall be administered by the presiding judge.

Certain sections of former law not applicable where stenographer is employed.

Sec. 8. In cases tried in the circuit court in which such stenographer shall be employed, sections one and four of an act entitled "An act to declare and establish the practice in charging or instructing juries, and in settling the law in cases tried in circuit courts, approved March 26th, eighteen hundred and sixty-nine," shall not apply.

How law may become operative in other counties.

Sec. 9. Any one or more of the counties of this State being in the same circuit, may at any time cause this act to become operative in such county or counties, either united with each other, or in any single county, by the certificate of the judge, as provided in section one of this act, sent to the board of supervisors of such county or counties, and approved by the majority vote of the supervisors elected in such county or counties: *Provided*, The salary herein provided for the stenographer, shall, as between two or more counties, be apportioned and paid according to the population of the counties as appearing from the last census.

Previous.

Sec. 10. This act shall take immediate effect.

Approved April 2, 1869.

[No. 93.]

AN ACT to amend section twenty-nine, of chapter seventy-two, of the revised statutes of eighteen hundred and forty-six, being section two thousand nine hundred and forty-four of the compiled laws, relating to appeals from the decision of commissioners in the payment of debts, and legacies of deceased persons.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section twenty-nine, of chapter seventy-two, of the revised statutes of eighteen hundred and forty-six, being section two thousand nine hundred and forty-four, of the compiled laws, be so amended as to read as follows:

(2944.) Sec. 29. When an executor or administrator declines ^{When any person interested in estate may appeal.} to appeal from the decision of the commissioners, any person interested in the estate as creditor, devisee, legatee or heir, or any surety or sureties in the executor's or administrator's bond, may appeal from such decision in the same manner as the executor or administrator might have done, and the same proceedings shall be had in the name of the executor or administrator: *Provided, That the person appealing in such case shall, before* ^{Proviso.} the appeal shall be allowed, give a bond, to be approved by the judge of probate, as well to secure the estate from damages and costs, as to secure the intervening damages and costs to the adverse party.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 94.]

AN ACT to amend act number three hundred and fifty, of the session laws of eighteen hundred and sixty-five, entitled "An act to protect fish and preserve the fisheries of this State," approved March 21, 1865, by adding two sections to stand as sections ten and eleven of said act.

SECTION 1. *The People of the State of Michigan enact, That* ^{Sections added.} act number three hundred and fifty, of the session laws of eighteen hundred and sixty-five, entitled "An act to protect

fish and preserve the fisheries of this State," approved March 21, 1865, be and the same is hereby amended by adding the two following sections, to stand as sections ten [and] eleven of said act:

Placing ob-
structions in
water where
fish are ta-
ken, prohib-
ited.

Sec. 10. It shall be unlawful for any person or persons to put into any of the waters fronting or bordering land where fish are taken by the legal owner or occupant of such lands, any vessel or ship ballast, stone, sand, coal cinder, ashes, log slabs, decayed wood, bark, saw-dust, or obstruction, or filth of any other description, or to place or drive any pound net piles or stakes, or any other piles or stakes, or posts, or build any platforms or piers, or any species of seines or continuous trap nets, to the extent of the breadth of such legal owner or occupants' lands so far as the channel banks of the rivers, and to one mile from the beach or shore, at low water mark of the lakes, straits, inlets, and bays on said waters fronting such owner or occupants' lands, and it shall subject any boat owner, or captain of any vessel, to a fine of not exceeding fifty dollars, who shall willfully run into or molest any pound net, trap, or other stationary nets, or fixtures set in the lakes for fishing purposes.

Penalty for
molesting
pound net.

Penalties for
offending
against sec-
tion ten of
this act.

Sec. 11. Any person or persons offending against the provisions of section ten of this act shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be liable to a fine not exceeding one hundred dollars, or imprisonment in the county jail not more than ninety days, or both such fine and imprisonment, in the discretion of the court; and such person or persons shall also be liable civilly for all damages done such fishing grounds to the legal owners or occupants thereof, to be recovered in an action of trespass, in any court of the county where such fishing grounds may be situate, having jurisdiction thereof.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 95.]

AN ACT to provide for the establishment of Polytechnic Associations.

SECTION 1. *The People of the State of Michigan enact, That it* Certain corporations may form into Polytechnic associations.
shall be lawful for any two or more associations, incorporated either by general or special acts, as mechanics' associations, fireman's associations, or societies or associations for historical, literary or scientific purposes, and not as money or business corporations, to agree together on such terms as they may adopt, not conflicting with the constitution and laws of this State, to unite their property and interests, and to form polytechnic associations, as provided in this act, and to retain their separate organizations, or merge them entirely in that new association, as may be agreed upon in their articles of association.

Sec. 2. Such polytechnic associations shall be authorized to May establish libraries, etc.
establish and maintain libraries, lyceums, lectures, debates, and institutes, or departments, museums, and collections for historical, geographical, mechanical, scientific, literary and artistic purposes, and such courses of instruction, and other arrangements for instruction and improvement in art, science, and intellectual advancement as may be agreed upon, and may establish premiums, in connection with any such subjects, and May aid inventors.
may aid inventors in perfecting their inventions, and in obtaining patents; and in case any firemen's or mechanics' associations are authorized to use any of their funds for benevolent purposes, the polytechnic association, into which such firemen's or mechanics' association may enter, may be authorized by its articles of agreement, to use any of such funds derived from such firemen's or mechanics' associations, for similar purposes.

Sec. 3. Such polytechnic associations may be organized as How Polytechnic associations may organize.
follows: Any of the corporations authorized to unite, as aforesaid, may at any meeting regularly called for that purpose, or at any annual meeting, vote to agree upon such union upon articles then or previously submitted in writing, and may then

Who to execute articles. or thereafter, appoint one or more persons to execute and acknowledge the same in its behalf, with power to act whenever the other association or associations, with which the union is proposed to be made shall, in like manner, have acceded to such articles, and authorized their execution. Such articles shall set forth the name and location of the polytechnic association to be organized, as well as the names of the various corporations uniting therein, and shall also set forth its plan of organization, and terms of management and membership, with such other special stipulations not inconsistent with this act as may be deemed advisable, and shall be signed and acknowledged in duplicate by the several persons authorized, as aforesaid, who shall append to each original, affidavits of their authority to act in the premises, and shall thereupon be submitted for approval to a judge of the Supreme Court, or to the circuit judge of the circuit in which the association so formed is to be located; and when so approved, one of such originals shall be filed and recorded in the office of the Secretary of State, and the other of such originals shall be recorded in the office of the clerk of the county in which such association may be located; and thereupon such association shall become a body corporate, and may continue such for thirty years from the date of such filing.

Articles; what to contain. The Secretary of State or his deputy shall endorse upon the other duplicate original, a certificate of such filing and record, and the duplicate so certified, or any certified copy of the papers on file and recorded in the Secretary of State's office, as aforesaid, shall be evidence in all courts and places of the existence of such corporation, and of the terms and conditions of its articles, and their due and lawful execution; and unless otherwise provided in such articles, such association shall, upon its incorporation, become without further process, vested with the property and subject to the liabilities of the corporations which have been united to form it, and may sue and be sued thereon, in its own name, at law or in equity.

Shall be signed and acknowledged, etc. Sec. 4. Any corporation which might originally have been capable in law of entering upon such an association, may at

Who to approve same.

Where filed and recorded

Body corporate.

Duty of Secretary of State; effect of endorsement on duplicate article by.

How other corporations may unite.

any time with the assent of such association, become united therewith, by voting to accept its articles, and appointing some person or persons to sign and acknowledge an agreement to form such union, and such agreement, when signed and acknowledged by the proper agents of both associations, as nearly as may be in the manner provided for the execution of such original articles, and verified by affidavit, and approved by such judge, shall be filed and recorded in like manner, and shall thenceforth be deemed part and parcel of such original articles, and may be certified in like manner, and have the same force in evidence as if it had originally been a part of such originals; and it shall not be necessary to recite such original articles at length in any such subsequent agreement.

Sec. 5. Any polytechnic association incorporated under this act may, at any meeting called for that purpose, vote to amend its articles: *Provided*, The effect of such amendments might have been lawfully provided for in the original articles; and such amendments, certified under oath or affirmation, by the presiding officers and secretary acting at such meeting, may be recorded in the Secretary of State's office, and shall be regarded, and may be certified as part of the articles of association: *Provided*, They shall have been approved by such judge after their adoption and before they are filed as aforesaid.

Sec. 6. Such polytechnic associations shall be authorized to receive property in any lawful way, but no such property, nor the income thereof, shall be used for any purpose not contemplated by this act; and no title or agreement in favor of or against any such association, shall fail by misnomer, where the real intent shall be made to appear. And the Governor or the Attorney General as well as the Legislature, shall at all times be entitled summarily to investigate the affairs of any such corporation, and to examine witnesses on oath touching the same, without the necessity of commencing legal proceedings.

Sec. 7. Such associations may receive into their rooms for safe keeping, any school or other public libraries, upon such terms as may be agreed upon, except that no public board or

Amendment to articles.

Proviso.

Powers and restriction relative to property.

Governor or Attorney General may investigate.

May receive school, etc., libraries for safe keeping

officers shall be at liberty to transfer to such association any public money, or the ownership or control of any such library so as in any way to impair the duty or responsibility imposed by law upon such board or officers as custodians of such funds or libraries.

Approved April 2, 1869.

[No. 96.]

AN ACT to amend section twenty-nine of an act entitled "An act to authorize the business of banking," approved February sixteenth, in the year one thousand eight hundred and fifty-seven.

Section
amended

SECTION 1. *The People of the State of Michigan enact*, That section twenty-nine of an act entitled "An act to authorize the business of banking," approved February sixteenth, in the year one thousand eight hundred and fifty-seven, be and the same is hereby amended so that the same shall read as follows:

Deposit to
be made
with State
Treasurer
before plates
can be en-
graved.

Sec. 29. It shall not be lawful for any association of persons, or individual banker, to cause plates to be engraved, or notes to be printed, as provided by section eleven of this act, until he or they shall have deposited with the State Treasurer the securities mentioned in section ten, to the amount of at least twenty-five thousand dollars.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 97.]

AN ACT to provide for the graduation of the price of swamp lands, and to authorize payment thereon in swamp land scrip.

Commis-
sioner of
State Land
Office to fix
price, etc.,
of unsold
swamp lands

SECTION 1. *The People of the State of Michigan enact*, That the Commissioner of the State Land Office shall fix and graduate the price of swamp lands in the State of Michigan, not yet offered for sale at public auction, as follows: All State

swamp lands not yet offered for sale at public auction, (except swamp lands in regard to which a conflict has arisen between the United States and the State of Michigan, commonly known as "Green Lands,") shall be offered for sale at the minimum price of eight dollars per acre, which shall be and remain the minimum price for the period of six months from, and embracing the day of public sale of such lands.

Sec. 2. At the expiration of the time provided in the first section of this act, the Commissioner of the State Land Office shall fix and establish the minimum price of all such swamp lands provided for in said section one, remaining unsold, at six dollars per acre, which price so fixed shall be and remain the minimum for the period of six months, at the expiration of which time the said Commissioner shall fix and establish the minimum price of all such lands remaining unsold, at four dollars per acre, which minimum price so fixed shall be and remain the minimum price for the period of six months, at the expiration of which time the said Commissioner shall fix and establish the price of all such lands remaining unsold, at the minimum price of two dollars per acre.

To establish minimum price of lands remaining unsold.

Sec. 3. All swamp land scrip known as "general scrip" shall be received in payment of all lands sold under the provisions of this act: *Provided*, That no such scrip shall be received for more than its par value.

"General scrip" to be received in payment. *Provide*

Sec. 4. This act shall take immediate effect.

Approved April 2, 1869.

[No. 98.]

AN ACT to amend act number one hundred and fifty-three, of the session laws of eighteen hundred and sixty-seven, being an act to provide for holding the circuit courts in case of death, resignation, removal, absence, or inability of the circuit judge.

SECTION 1. *The People of the State of Michigan enact*, That act amended act number one hundred and fifty-three, of the session laws of eighteen hundred and sixty-seven, approved March twenty-

seventh, eighteen hundred and sixty-seven, being an act entitled "An act to provide for holding the circuit courts in case of death, resignation, removal, absence, or inability of the circuit judge," be and the same is hereby amended so as to read as follows:

Governor to
fill vacancy
in office of
circuit judge

SECTION 1. *The People of the State of Michigan enact, That* in case of the death, resignation, removal from the judicial circuit in which he was elected, inability to discharge the duties of his office, or from any cause a vacancy shall exist in the office of circuit judge in any judicial circuit in this State, it shall be the duty of the Governor, on being informed by the county clerk of any county in said circuit of such vacancy or inability, to designate any one of the justices of the Supreme Court, or any one of the circuit judges of the State, to hold such term or terms in such judicial circuit as he may direct; and the judge so designated shall perform the duties, and hold the term or terms in like manner, and with the like effect as he could do if he had been elected to such office in such judicial circuit, and until the vacancy shall be duly filled by appointment or election, as provided by law.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 99.]

AN ACT to amend section twenty-nine of an act for the reorganization of the military forces of the State of Michigan, being act number sixteen, of the session laws of the year one thousand eight hundred and sixty-two, approved January eighteenth, one thousand eight hundred and sixty-two.

Section
amended

SECTION 1. *The People of the State of Michigan enact, That* section twenty-nine, of act number sixteen, of the session laws of eighteen hundred and sixty-two, being an act entitled an act for the reorganization of the military forces of the State of Michigan, be and is hereby amended so as to read as follows:

Sec. 29. The annual compensation of the Adjutant General, the Inspector General, the Quartermaster General, and their several assistants, shall be such sums of money as the Legislature shall hereafter from time to time determine, and shall be made payable quarterly, out of the military fund in the State treasury.

Compensation of military officers, how determined.

Sec. 2. This act shall take immediate effect.

Approved April 2, 1869.

[No. 100.]

AN ACT to amend section two of an act entitled "An act to protect the title of the owners of floating logs and lumber," approved March twenty-seventh, in the year one thousand eight hundred and sixty-seven, and to add a section thereto, to stand as section six of said act.

SECTION 1. *The People of the State of Michigan enact, That* section two of an act entitled "An act to protect the titles of the owners of floating logs and lumber," approved March twenty-seventh, in the year one thousand eight hundred and sixty-seven, be and the same is hereby amended, to read as follows:

Section amended.

Sec. 2. Before any such mark or marks shall be used, it shall be the duty of any such person or copartnership to cause a diagram and written description of the same, certified, and signed by the owner or owners thereof, to be recorded in the office of the clerk of each county through which such logs or timber shall be floated for manufacture or sale, and also to give notice in writing to each log-running or booming company doing business on any waters on which the logs or timber are floated, of such mark, and of the destination of such logs; the diagram and written description to be recorded as aforesaid, must be different from any diagram and description already recorded in said office claimed by any other party. For recording and indexing the diagram and certificate aforesaid, the

Record to be made of diagram of marks in county clerks office.

Fee to clerk.

clerk shall be entitled to demand and receive a fee of twenty-five cents.

Section
added.

Sec. 2. The following additional section shall stand as section six of said act, and shall read as follows:

Penalty for
counterfeiting
marks.

Sec. 6. If any person shall falsely make, forge, or counterfeit such mark, and use the same in marking logs or timber, knowing the same to be the mark of another person, and with intent to defraud, shall be deemed guilty of felony, and shall be punished by imprisonment, at hard labor, in the State prison not to exceed five years, or by fine of not less than one hundred dollars, nor more than two thousand dollars.

Approved April 2, 1869.

[No. 101.]

AN ACT to provide for the issuing, delivering, or depositing patents to swamp lands, and to provide for the assessment and taxation of such lands.

When commissioner to
cause certificates for
patents to
issue for certain swamp
lands.

SECTION 1. *The People of the State of Michigan enact, That* whenever any person of [or] persons shall be entitled to State swamp lands, by reason of the performance of any labor, or the fulfillment of any contract, it shall be the duty of the Commissioner of the State Land Office to cause to be issued such patents, and deliver the same to the person or persons entitled thereto, if applied for at the State Land Office; and in case no such application is made within thirty days from the time such person or persons shall be entitled to such swamp lands, (then, in such case,) the said Commissioner shall file such patent or patents in his office, subject to the order of the person or persons entitled to the same.

To issue, and
file if not
applied for
in 30 days.

List of same
furnished
county
treasurers.

Sec. 2. It shall be the duty of such Commissioner to furnish to the several county treasurers, in each year, and in time for assessment, a list of all such lands so patented, according to the provisions of section one of this act; and such lands so patented, shall be subject to assessment and taxation as other assessable and taxable lands. Lists of all lands now subject to

Tax authorized.

be so patented, shall be furnished by said Commissioner to the county treasurers, and by the county treasurers to the super-^{Lists now subject to patent.} visors of the proper townships, in time for the assessment of the year eighteen hundred and sixty-nine, so far as the same may be practicable.

Sec. 3. Whenever any person shall neglect or refuse to designate to the Commissioner the particular descriptions of land to which he or she may claim patents, by reason of part performance of his or her contract, it may and shall be lawful for such Commissioner to cause to be issued patents for each alternate description of land, as the same appears on the list of lands reserved by such person or persons, and such patents so issued, shall be deemed and held as valid as if the same were particularly ordered by the person entitled thereto. ^{When commissioner to cause patents to issue for alternate descriptions.}

Sec. 4. This act shall take immediate effect.

Approved April 2, 1869.

[No. 102.]

AN ACT to provide for the incorporation of societies of Pocahontas tribes of improved order of red men.

SECTION 1. *The People of the State of Michigan enact, That* any five or more persons, residents of this State, being members of a society of the Pocahontas tribes of improved order of red men, having been duly chartered by the superior lodge of the Pocahontas tribes of improved order of red men, desirous to become incorporated, may make and execute articles of association, under their hands and seal, which said articles of association shall be acknowledged before some officer of the State having authority to take acknowledgment of deeds, and shall set forth— ^{Number of corporations required to execute articles.} ^{Articles to be acknowledged.}

First. The names of persons associating in the first instance, and their places of residence; ^{Contents.}

Second. The corporate name by which such association shall be known in the law, and the place of its business office; ^{Name, etc.}

Objects, etc. *Third.* The object and purpose of such association, which shall be to promote the general welfare of the fraternity known as the "societies of Pocahontas tribes of improved order of red men," and the period for which it is incorporated, not exceeding thirty years.

Where filed and recorded *Sec. 2.* A copy of said articles of association, together with a copy of the charter and constitution of said society of Pocahontas tribes of improved order of red men, shall be filed with the county clerk in which such corporation shall be formed, which shall be recorded by such clerk in a book to be kept in his

Body politic. office for that purpose; and thereupon the persons who shall have signed said articles of association, their associates and successors, shall be a body politic and corporate, by the name expressed in such articles of association, and by that name they and their successors shall have succession, and shall be persons in the law capable to purchase, hold, enjoy, grant, sell, give, lease, and demise real and personal estate, of suing and being

May have a seal. **Effect of certified copy of record.** sued, and may have a common seal, and change and alter the same at pleasure; and a certified copy of the record of such articles of association, under the seal of the county where the said record is kept, shall be received as *prima facie* evidence in

Proviso. all courts of this State, of the existence and due incorporation of such corporation: *Provided*, That the value of such real and personal estate shall not exceed the sum of five thousand dollars, and that they and their successors shall have authority and power to give, grant, sell, lease, demise, and dispose of said real and personal estate, or part thereof, at their will and pleasure, and the proceeds, rents, and incomes shall be devoted exclusively to charitable and benevolent purposes of the societies of Pocahontas tribes of improved order of red men.

Erection of edifices, etc. *Sec. 3.* Any corporation formed in pursuance of this act may erect and own such suitable edifice, buildings or hall, as to such corporation shall seem proper, with convenient rooms for the meetings of the fraternity of Pocahontas tribes of improved

Capital stock limited. order of red men; and for that purpose may create a capital stock of not more than five thousand dollars, to be divided into

shares of not more than ten dollars each; and any such corporation may take, purchase, hold, and own such suitable lot or parcel of ground as may be convenient for the purpose of a cemetery, and may make all lawful rules and regulations for the disposition of lots, and the burial of the dead therein, as to such corporation may seem proper.

Sec. 4. All corporations formed under this act shall be subject to the provisions of chapter seventy-three, of the compiled laws of this State, so far as the same may be applicable to corporations formed under this act, and the Legislature may alter or amend this act at any time.

Sec. 5. This act shall take immediate effect.

Approved April 3, 1869.

[No. 103.]

AN ACT to amend section five hundred and fifty-nine, of the compiled laws of eighteen hundred and fifty-seven, relating to the duties of township clerks.

SECTION 1. *The People of the State of Michigan enact, That* section five hundred and fifty-nine, of the compiled laws of eighteen hundred and fifty-seven, the same being section sixty-seven, of chapter sixteen, of the revised statutes of eighteen hundred and forty-six, be and the same is hereby amended so as to read as follows:

(559.) Sec. 67. The township clerk of each township shall immediately after the qualifying of the several township officers elected or appointed, in their respective townships, return to the clerks of their respective counties the names of all such officers.

Approved April 3, 1869.

[No. 104.]

AN ACT to provide for the incorporation of coöperative and mutual benefit associations.

Number of
corporators
required.

Purposes of
corporation

Articles;
where filed,
etc.

Powers of
corporation.

Contents of
articles.

SECTION 1. *The People of the State of Michigan enact, That* any number of persons, not less than five, may become a body corporate and politic, for the purpose of securing to the families, or heirs of any member, upon his death, a certain sum of money, to be paid by such corporation, either out of its fund, or by an assessment made upon the members of such corporation, or upon the members of the class in such corporation to which such deceased member belonged, or for the purpose of securing, in the same manner, a certain sum of money, weekly or monthly, to any member disabled from attending to his ordinary duties by sickness or other disability, by executing under their hands, and acknowledging before some person within this State authorized to take the acknowledgment of deeds, one or more duplicate articles of agreement, as hereinafter specified, one copy whereof shall be filed and recorded in the office of the Secretary of State; and a record shall be made of such articles, or of a certified copy thereof, in the clerk's office of the county in this State in which the principal office of such association may be located.

Sec. 2. That upon the execution and filing of such articles, the signers thereof, and those who may thereafter become associated with them, shall become a body politic and corporate, for the purpose hereinbefore set forth.

Sec. 3. The articles of association shall contain—

First. The names of the persons associating in the first instance, and their places of residence.

Secondly. The name of such corporation, and the place where its principal office for the transaction of business is located, and the period for which it is incorporated, not exceeding thirty years.

Thirdly. The objects of the corporation, the number of classes in such corporation, and the object of the division of such corporation into classes, all of which shall be definitely stated.

Fourthly. The number of its trustees and regular officers, and the time and place of holding its annual meeting.

Fifthly. The terms and conditions of membership therein.

Sec. 4. The affairs of such corporation shall be managed by Affairs to be managed by trustees. not less than five, nor more than twenty trustees, to be chosen by the members thereof, and to hold office for one year, and Term of office. until their successors be chosen; and the regular officers thereof, Officers shall be trustees. except the secretary and treasurer, shall form a part of such trustees, and the secretary and treasurer shall be chosen from such trustees. The officers may be chosen by the trustees, or How chosen. by the members of such corporation, as the articles may prescribe. The by-laws of such corporation shall be adopted by By-laws; power of trustees relative to. the trustees, who may change them at their pleasure, except so far as they relate to the rights of the corporation to assess their members, or the members of a particular class of such corporation, and except, also, so far as said by-laws affect the rights and benefits belonging to, or to be derived by the members of such corporation. A majority of the trustees shall be Quorum. a quorum to transact business. All of such trustees shall be Residence. citizens of the United States, and residents of the State of Michigan.

Sec. 5. No such corporation shall have power to take or hold May hold real estate. any real estate, except such as may be necessary for the transaction of its business.

Sec. 6. All the funds received by any such corporation, shall Funds, disposition of. be used in the first instance, or shall be invested, and the increase thereof used (after paying necessary expenses) for the exclusive purpose set forth in the articles of association: *Provided, That* Provided. any such corporation may, in its articles of agreement, specify the kinds of securities in which its funds shall be invested.

Sec. 7. Any corporation formed under this act shall, when- Attorney General or Legislature may require report. ever required by the Attorney General, or by the Legislature, report a full statement of all its affairs, under the oath of at least two of its trustees; and for any neglect to furnish any Penalty for neglect. such report when required, all of the trustees so neglecting shall be liable to a penalty of fifty dollars each, to be recovered

in an action of debt, in the name of the people of the State of Michigan.

Sec. 8. This act shall take immediate effect.

Approved April 3, 1869.

[No. 105.]

AN ACT to amend section sixteen hundred and eighty-seven of the compiled laws, requiring boards of supervisors to raise an annual tax for the benefit of county agricultural societies.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That section sixteen hundred and eighty-seven, of the compiled laws, be and the same is hereby amended so as to read as follows:*

Where coun-
ty societies
raise annual-
ly \$100 or
over, super-
visors may
levy a tax.

(1687.) Sec. 1. In any county in this State, where the inhabitants thereof have organized and established, or may hereafter organize and establish a society for the encouragement and advancement of agriculture, manufactures, and the mechanic arts, and shall raise from said society annually, the sum of one hundred dollars or over, for the promotion of the above objects, in said county, which fact shall be certified by the president and secretary of the society, under oath, and a certificate thereof shall be filed with the clerk of the board of supervisors, the board of supervisors of said county, at their annual session in each and every year may, at their option, levy a tax of not less than one-fortieth nor more than one-tenth of one mill on the dollar, on the assessment roll of the county, which tax shall be collected and paid to the treasurer of the county in the same manner that other taxes are collected and paid: *Provided*, In any county where there are more than one agricultural society so reporting, the board shall apportion such amount between such societies as they may deem just: *Provided further*, That no horse-racing is had at the fairs held by either of such societies.

Amount of
tax limited.

Provido.

Ibid

Approved April 3, 1869.

[No. 106.]

AN ACT to prohibit the publication of the virtues of patent, and other simple and compound medicines in the State of Michigan, in language of immoral tendency, or of ambiguous character.

SECTION 1. *The People of the State of Michigan enact, That* Prohibiting the printing, etc., of virtues of medicine in immoral language.
 no person or persons, their agents or clerks, shall print, stamp, or engrave on any cards, bills, or posters for public display or advertisement, or publish in any newspaper in the State of Michigan, the virtues or applications and its or their effects of any such patent and other simple or compound medicine, in language of immoral tendency or of ambiguous character.
 Any person or persons, their agents or clerks, who shall fail to comply with the requirements herein expressed, shall be deemed guilty of a misdemeanor, and shall be liable to a fine not less than fifty, nor more than one hundred dollars, or to imprisonment in the county jail not exceeding three months, or both, for each and every offense. Penalty.
 Any proprietor or proprietress of any newspaper published in the State of Michigan, who shall permit any such publications to appear in consecutive issues, each and every day shall be deemed a new and separate offense, and shall be liable to a penalty as herein expressed. Each appearance of such publication a new offense.

Sec. 2. The publication or sale within this State of any circular, pamphlet, or book containing recipes or prescriptions in indecent or obscene language for the cure of chronic female complaints or private diseases, or recipes or prescriptions for drops, pills, tinctures, or other compounds designed to prevent conception, or tending to produce miscarriage or abortion is hereby prohibited; and for each copy thereof, so published and sold, containing such prohibited recipes or prescriptions, the publisher and seller shall each be deemed guilty of a misdemeanor, and shall be liable to the same penalties provided for a violation of the preceding section. Penalty for publishing, etc., circulars, etc.

Approved April 3, 1869.

[No. 107.]

AN ACT to provide for the payment of the salaries of the State officers for the years eighteen hundred and sixty-nine and eighteen hundred and seventy.

Appropriation,
1868.

Salaries.

Governor.

Justices of
Supreme
Court.
Judges.

State officers

State Librarian.

Deputies.

Book-keepers.

Clerks.

SECTION 1. *The People of the State of Michigan enact*, That there be and the same is hereby appropriated, out of any moneys in the treasury to the credit of the general fund, not otherwise appropriated, the following sums, for the salaries of the State officers for the year eighteen hundred and sixty-nine: For the Governor, one thousand dollars; for the salaries of the Justices of the Supreme Court, two thousand five hundred dollars each; for salaries of the Judges of the Circuit Court, and the Judge of the Recorder's Court of the city of Detroit, fifteen hundred dollars each; for the salaries of the Auditor General, State Treasurer, Secretary of the State Board of Agriculture, and Superintendent of Public Instruction, one thousand dollars each; for the salaries of the Commissioner of the State Land Office, the Secretary of State, and the Attorney General, eight hundred dollars each; for the salary of the State Librarian, seven hundred dollars; for the salary of the Deputy State Treasurer, fourteen hundred dollars; for the salary of the Deputy Auditor General, fourteen hundred dollars; for the salary of the Deputy Secretary of State, twelve hundred dollars; for the salaries of the Deputy Superintendent of Public Instruction, twelve hundred dollars, and of the Deputy Commissioner of the State Land Office, twelve hundred dollars; for the salary of the Private Secretary of the Governor, seven hundred dollars; for the salary of the book-keeper of the Land Office, the book-keeper of the State Treasurer's office, and the book-keeper of the Auditor General's office, one thousand dollars each; for the salary of the clerk of the Attorney General, one thousand dollars; for the salaries of the four regular clerks of the Auditor General, and one regular clerk of the Secretary of State, one thousand dollars each; for the salaries of all other clerks of the Auditor General, a sum not exceeding nine hundred dollars each; for the salaries of such additional clerks

in the State Land Office, State Treasurer's office, office of the Secretary of State, and office of the Superintendent of Public Instruction, as may be necessary, not exceeding at the rate of nine hundred dollars each, per annum, for the time employed.

Sec. 2. That there be and is hereby appropriated, out of any money in the treasury to the credit of the general fund, not otherwise appropriated, the following sums, for the salaries of the State officers for the year eighteen hundred and seventy: For the salary of the Governor, one thousand dollars; for the salaries of the Justices of the Supreme Court, two thousand five hundred dollars each; for the salaries of the Judges of the Circuit Courts, and the Judge of the Recorder's Court of the city of Detroit, fifteen hundred dollars each; for the salaries of the Auditor General, State Treasurer, Secretary of the State Board of Agriculture, and Superintendent of Public Instruction, one thousand dollars each; for the salaries of the Commissioner of the State Land Office, the Secretary of State, and the Attorney General, eight hundred dollars each; for the salary of the State Librarian, seven hundred dollars; for the salary of the Deputy State Treasurer, fourteen hundred dollars; for the salary of the Deputy Auditor General, fourteen hundred dollars; for the salary of the Deputy Secretary of State, twelve hundred dollars; for the salaries of the Deputy Superintendent of Public Instruction, twelve hundred dollars, and of the Deputy Commissioner of the State Land Office, twelve hundred dollars; for the salary of the Private Secretary of the Governor, seven hundred dollars; for the salaries of the book-keeper of the State Land Office, the book-keeper of the State Treasurer's office, and the book-keeper of the Auditor General's office, one thousand dollars each; for the salary of the clerk of the Attorney General, one thousand dollars; for the salaries of the four regular clerks of the Auditor General, and one regular clerk of the Secretary of State, one thousand dollars each; for the salaries of all other clerks of the Auditor General, not exceeding nine hundred dollars each; for the salaries of such

Appropriation, 1870.

Salaries.

Governor.

Justices of Supreme Court. Judges.

State officers

Deputies.

Book-keepers.

Clerks.

additional clerks of the State Land Office, State Treasurer's office, office of the Superintendent of Public Instruction, as may be necessary, not exceeding at the rate of nine hundred dollars each, per annum, for the time employed.

No other compensation to deputies, clerks, etc.

Sec. 3. There shall be made no further or other compensation, pay, or allowance to any or either of the deputies or clerks named in sections one and two of this act, than those therein provided, for any services rendered by them respectively, as such deputies or clerks, or in any other capacity; and the State Treasurer, the Auditor General, Secretary of State, and the Commissioner of the State Land Office, shall each make, or cause to be made, on proper application, and without unnecessary delay, all such searches, maps, drawings, plats, abstracts, statements, and certificates as may be reasonably called for by any person or persons, and shall charge, or cause to be charged to and collected from the applicant, all such fees for the same as shall be proper and compensatory; and all such fees shall be promptly paid into the State treasury, together with all fees for notarial services, and attestations performed or executed by any officer named in this section, or by his deputies, clerks, or employés.

Fees received to be paid into State treasury.

Sec. 4. This act shall take immediate effect.

Approved April 3, 1869.

[No. 108.]

AN ACT making appropriations for the State Reform School, for the years eighteen hundred and sixty-nine and eighteen hundred and seventy.

Appropriation, 1869.

SECTION 1. *The People of the State of Michigan enact*, That the sum of thirty-five thousand dollars be and the same is hereby appropriated out of the general fund, to meet the current expenses of the State Reform School for the year eighteen hundred and sixty-nine; and the further sum of thirty-five thousand dollars be and the same is hereby appropriated out of the gen-

eral fund, to meet the current expenses of the State Reform School for the year one thousand eight hundred and seventy.

Sec. 2. The following sums are hereby appropriated out of the general fund for the objects specified, viz: For enlarging the workshops and for needed machinery, the sum of ten thousand dollars; for building a farm barn, two thousand dollars; for repairs of original and old buildings, three thousand dollars; for the purchase of books for the Reform School library for the years eighteen hundred and sixty-nine and eighteen hundred and seventy, the sum of five hundred dollars; to pay arrears due on musical instruments, one hundred dollars.

Sec. 3. The several sums mentioned in this act shall be placed to the credit of the Reform School, and shall be drawn on the warrant of the Board of Control upon the Auditor General, who is hereby authorized to draw his warrant on the State Treasurer on the presentation of the proper vouchers certified by the Board of Control and the Board of State Auditors, for such sums as the Board of Control shall from time to time direct.

Sec. 4. This act shall take immediate effect.

Approved April 3, 1869.

[No. 109.]

AN ACT to amend act number one hundred and forty-seven, of the session laws of eighteen hundred and sixty-five, being an act entitled "An act to amend section seventeen, of chapter sixty-seven, being section nineteen hundred and sixty-one of the compiled laws, relative to rates of fare on short railroads."

SECTION 1. *The People of the State of Michigan enact, That* act number one hundred and forty-seven, of the session laws of eighteen hundred and sixty-five, entitled "An act to amend section seventeen, of chapter sixty-seven, being section nineteen hundred and sixty-one of the compiled laws, relative to rates

of fare on short railroads," approved March eleventh, eighteen hundred and sixty-five, be amended so as to read as follows:

Powers and
liabilities.

(1961.) Sec. 17. Every such corporation shall possess the general powers, and be subject to the liabilities and restrictions following, that is to say—

To make
surveys, etc.

First. To cause such examination and surveys for the proposed railroad to be made, as may be necessary to the selection of the most advantageous route for the road, and for such purposes, by their officers, agents and servants, to enter upon lands or waters of any person or company, but subject to liability for all damages which they shall do thereto;

Liable for
damages.

To take do-
nations.

Second. To receive, hold, and take such voluntary grants and donations of real estate and other property as shall be made to it, to aid in the construction, maintenance, and accommodation of such road; but the real estate thus received by voluntary grant, shall be held and used for the purposes of such grant only;

To purchase
and take
property for
constructing
road.

Third. To purchase, and by voluntary grants and donations, receive, and take by its officers, engineers, surveyors and agents, enter upon and take possession thereof, hold and use all such lands and real estate, and other property as may be necessary for the construction and maintenance of its railroad, and stations, depots, and other accommodations, but not until the compensation to be made therefor, as agreed upon by the parties, or ascertained as hereinafter prescribed, be paid to the owners thereof, or deposited as hereinafter directed, unless the consent of such owner be given therefor;

To lay out
and con-
struct.

Fourth. To lay out its road, not exceeding six rods wide, and to construct the same; and for the purpose of cutting embankments, and procuring stone and gravel, may take as much more lands within the limits of its charter, in the manner hereinafter provided, as may be necessary for the proper construction and security of the road;

Crossing
streams, etc.

Fifth. To construct their road across any stream of water, water-course, private road, highway, plank road, railroad, or canal which the route of the road shall intersect, but the cor-

peration shall restore the stream or water-course, private road, highway, plank road, railroad or canal to its former state, as near as may be;

Sixth. To cross, intersect, join, and unite its railroad with any other railroad now or hereafter constructed, whether the same be so constructed under this act, or under any charter now or hereafter granted, at any point on its route, and upon the grounds of such other railroad company, with the necessary turn-outs, sidings and switches, and other conveniences in furtherance of the object of its connections, and to make all such running and business arrangements as said companies may agree upon; and every company whose road shall be intersected by any new railroad, shall unite with the owners of such new railroads in forming such intersections and connections, and grant the facilities aforesaid; and if the two corporations cannot agree upon the amount of compensation to be made for such crossings and connections, or the points or manner thereof, the same shall be ascertained and determined by commissioners to be appointed by the court, as is provided hereinafter for the taking of lands and other property, and to purchase, or to take lands, franchises or other property, as hereinafter provided, which shall be necessary for the construction of its road, and may change the line of its road whenever a majority of its directors shall so determine; but no such change shall vary the original route of such road to exceed five miles laterally, without the consent of the stockholders;

To intersect, etc., with other railroads.

Companies shall unite with new road to form connections.

Seventh. To take, transport, carry, and convey persons and property on their said road, by the force and power of steam, of animals, or any mechanical powers, or by any combination of them, and receive tolls and compensation therefor;

To transport persons, etc.

Eighth. To erect and maintain all necessary and convenient buildings, stations, depots, and fixtures and machinery for the accommodation and use of their passengers, freight and business, and obtain and hold the lands necessary therefor;

To erect depots, etc.

To regulate
time and
manner of
transporting,
etc.

Rates estab-
lished.

Proviso.

Ninth. To regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor; but such compensation for transporting any passenger, and his or her ordinary baggage, shall not exceed the following prices, viz: on roads over twenty-five miles in length, three cents per mile; on roads not over twenty-five miles in length, four cents per mile; on roads not over twenty-five miles in length, for any distance under six miles, twenty-five cents, unless by special act of the Legislature, and shall be subject to alteration as hereinafter provided: *Provided*, That the rate of freight charged and collected by the officers and agents of such railroad for any shorter distance, shall never exceed that charged and collected for the same class of goods over a longer distance upon the said road; nor shall the rates of freight charged and collected by the officers or agents of said road between any intermediate stations upon said road, at any time exceed by more than twenty-five per cent. the pro rata charge per mile for the same character of freight over longer distances upon the said road, or for the entire distance and length of said railroad.

Approved April 8, 1869.

[No. 110.]

AN ACT to provide for free schools, and to amend sections two thousand two hundred and sixty-four, two thousand two hundred and sixty-seven, two thousand two hundred and seventy-two, two thousand two hundred and seventy-five, two thousand three hundred and one, two thousand three hundred and twenty-three, two thousand three hundred and fifty, and two thousand three hundred and eighty-four of the compiled laws, being sections twenty-one, twenty-four, twenty-nine, thirty-two, fifty-eight, eighty, and one hundred and seven, of chapter seventy-eight, of the revised statutes of eighteen hundred and forty-six, and section one of an act entitled "An act to amend the revised statutes, relative to the support of primary schools, and the custody of the township libraries," approved April second, eighteen hundred and fifty, and to repeal sections two thousand two hundred and seventy-six, two thousand two hundred and seventy-seven, two thousand two hundred and seventy-eight, two thousand two hundred and eighty-three, two thousand two hundred and eighty-five, two thousand two hundred and eighty-six, two thousand two hundred and eighty-seven, two thousand two hundred and eighty-eight, two thousand two hundred and eighty-nine, two thousand two hundred and ninety, and two thousand three hundred and eighty-one, of compiled laws.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
sections two thousand two hundred and sixty-four, two thousand two hundred and sixty-seven, two thousand two hundred and seventy-two, two thousand two hundred and seventy-five, two thousand three hundred and one, two thousand three hundred and twenty-three, two thousand three hundred and fifty, and two thousand three hundred and eighty-four of the compiled laws, being sections twenty-one, twenty-four, twenty-nine, thirty-two, fifty-eight, eighty, and one hundred and seven, of chapter seventy-eight, of the revised statutes of eighteen hundred and forty-six, and section one of an act entitled "An act to amend the revised statutes, relative to the support of primary schools, and the custody of township libraries," approved April second, eighteen hundred and fifty, be and the same are hereby amended so as to read as follows:

Power of majority of qualified voters to direct purchasing, etc., site and building school-house

(2264.) Sec. 21. The said qualified voters shall also have power, by the vote of a majority present and voting at any such meeting, to direct the purchasing or leasing a site determined upon under the preceding sections nineteen or twenty, and the building, hiring, or purchasing of a school-house, or the enlarging of a site previously established.

Voters to determine length of time school shall be taught.

Term of school prescribed.

(2267.) Sec. 24. They shall also determine, at such annual meeting, the length of time a school shall be taught in their district during the ensuing year, which shall not be less than nine months in districts having eight hundred children over five and under twenty years of age, and not less than five months in districts having from thirty to eight hundred children of like ages, nor less than three months in all other districts, on pain of forfeiture of their share of the two-mill tax

Voters to determine relative to teachers.

District board to estimate expenses and report same.

and primary school fund, and whether by male or female teachers, or both; and it shall be the duty of the district board to estimate the amount necessary to be raised, in addition to other school funds, for the entire support of such school, including fuel and other incidental expenses, and previous to the second Monday in October, make a written report of the amount so determined, to the supervisor of the township in which any part of said district may be situated; and the same shall be levied, collected, and returned in the same manner as township taxes. A school month within the meaning of this act shall consist of four weeks, of five days in each week, unless otherwise specified in the teacher's contract.

Levy and collection of tax for same.

School month, 20 days unless otherwise specified.

Moderator; powers and duties of.

(2272.) Sec. 29. The moderator shall have power, and it shall be his duty to preside at all meetings of the district, to countersign all orders upon the assessor for moneys to be disbursed by the district, and all warrants of the director upon the township treasurer for moneys raised for district purposes, or apportioned to the district by the township clerk; but if the moderator shall be absent from any district meeting, the qualified voters present may elect a suitable person to preside at the meeting.

(2275.) Sec. 32. The assessor shall pay all orders of the director, countersigned by the moderator, out of any moneys in his hands belonging to the fund upon which such orders may be drawn.

Assessor to pay money orders.

(2301.) Sec. 58. Said board may admit to the district school non-resident pupils, and may determine the rates of tuition of such pupils, and collect the same; and they may authorize or order the suspension or expulsion from the school, whenever in their judgment the interests of the school demand it, of any pupil guilty of gross misdemeanor or persistent disobedience.

Board may admit non-resident pupils, and fix rates of tuition. May suspend or expel pupils.

(2328.) Sec. 80. The board of inspectors, before making their annual report to the county clerk, shall examine the record of teachers to whom certificates have been given by them, and if in any school district having thirty or more children over five and under twenty years of age, a school shall not have been taught for five months, and in any districts having eight hundred or more children of like ages, for nine months, and in any other district three months, during the preceding school year by a qualified teacher, no part of the public money shall be distributed to such district, although the report from such district shall set forth that a school has been so taught; and it shall be the duty of the board to certify the facts in relation to any such district, in their reports to the county clerk.

Board to examine record of teachers before report is made.

(2350.) Sec. 107. The supervisor shall also assess upon the taxable property of his township, two mills upon each dollar of the valuation thereof, in each year, and report the aggregate valuation of each district to the township clerk; and so much of the said tax as the qualified electors of said township shall decide, by a majority vote, at the annual township meeting, shall be applied to the purchase of books for the township library, according to the provisions of law, and the remainder shall be apportioned by the township clerk to the districts in which it was raised, for the support of schools therein; and all moneys collected by virtue of this act during the year, on any

Assessment of two-mill tax, and how applied.

property not included in any organized district, or in districts not having, during the previous school year, three months school in districts having less than thirty children, or five months school in districts having thirty and less than eight hundred children, or nine months school in districts having eight hundred or more children, as shown by the last school census, shall be apportioned to the several other school districts of said township, in the same manner as the primary school moneys are now apportioned. All moneys accruing from the two-mill tax in any township, before any district shall have a legal school therein, shall belong to the districts in which it was raised, when they shall severally have had a three months' school by a qualified teacher.

When moneys accrued under two-mill tax shall belong to district.

Supervisor liable for neglect to assess taxes.

(2384.) Sec. 1. If any supervisor shall willfully neglect or refuse to assess any taxes provided for by law, for school purposes, the same shall be assessed in the succeeding year; and the supervisor so willfully neglecting or refusing to assess, shall be liable to any district for any damage occasioned thereby, to be recovered by the assessor, in the name of the district, in an action of debt, or on the case.

Sections repealed.

Sec. 2. Sections two thousand two hundred and seventy-six, two thousand two hundred and seventy-seven, two thousand two hundred and seventy-eight, two thousand two hundred and eighty-three, two thousand two hundred and eighty-five, two thousand two hundred and eighty-six, two thousand two hundred and eighty-seven, two thousand two hundred and eighty-eight, two thousand two hundred and eighty-nine, two thousand two hundred and ninety, and two thousand three hundred and eighty-one are hereby repealed.

Approved April 8, 1869.

[No. 111.]

AN ACT to prevent the destruction of muskrats and muskrat houses, in the marshes along the shore of lakes Erie, St. Clair, Huron, and Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Prohibiting killing of muskrats, in certain waters at certain seasons.
no person or persons shall kill, destroy, or take, by any means whatsoever, within the limits of the marshes bordering on the waters of Lake Erie, Detroit River, Lake St. Clair, River St. Clair, Lake Huron, and Lake Michigan, any muskrat found in said marshes, or in or on the banks of any bayous or creeks in said marshes, between the fifteenth day of April and the first day of January, under the penalty of three dollars for each muskrat so killed, destroyed, or taken in violation of this act. Penalty.

Sec. 2. It shall be unlawful for any person or persons to destroy or disturb any muskrat house in said marshes, under a penalty of five dollars for each muskrat house destroyed in violation of this act. Protection of muskrat houses.

Sec. 3. Every penalty prescribed by the preceding sections of this act shall be sued for in the name of the people of the State of Michigan, before any justice of the peace in the county where the alleged offense was committed, which suit shall be commenced and carried on in the same manner that prosecutions for misdemeanors are, and the penalties collected in pursuance of this act shall be paid into the county treasury of the county where the offense was committed, for the support of the township libraries of such county. Penalties; how recovered.

Sec. 4. This act shall not be so construed as to prevent the catching and killing of any animals specified in the foregoing sections, where there is danger of their doing injury to property, either public or private. Not to prevent killing where injury to property is done.

Approved April 3, 1869.

[No. 112.]

AN ACT to promote immigration to Michigan.

Governor to
appoint com-
missioner of
emigration
Salary

SECTION 1. *The People of the State of Michigan enact*, That the Governor be and he is hereby authorized and empowered to appoint a citizen of the State, at a salary not to exceed twenty-five hundred dollars per annum, to act as a commissioner of emigration, and to reside in Germany, for the purpose of encouraging immigration to Michigan from the German States and other countries of Europe, and to act under such advice and direction as the Governor may from time to time deem proper to give, to carry out the object of this act.

Expenses;
how paid.

Sec. 2. The Governor is authorized to draw upon the general fund for such an amount, not exceeding five thousand dollars in any one year, as he may consider necessary to defray the expenses of said commissioner in traveling, and in printing in the German and other languages, circulars, hand-bills, and pamphlets, and to appoint a local agent in this country to act in concert with said commissioner, at an annual salary not to exceed fifteen hundred dollars, if, in his opinion, the interests of the State will be promoted thereby.

Appoint-
ment and
salary of lo-
cal agent.

Sec. 3. This act shall take immediate effect.

Approved April 3, 1869.

[No. 113.]

AN ACT to authorize the formation of companies for the introduction of water into towns, cities, and villages in the State of Michigan.

Companies,
when may
be formed.

SECTION 1. *The People of the State of Michigan enact*, That whenever the common council of any city or incorporated village, or the municipal authority of any town in this State shall, by resolution, declare that it is expedient to have constructed works for the purpose of supplying such city, village or town, and the inhabitants thereof with water, but that it is inexpedient for such city, town or village, under the power granted in

its charter, to build such works, it shall be lawful for any num- Number of
ber of persons not less than five, to organize a company for corporators.
the construction of such water-works, or for any company pre-
viously organized, to construct such water-works under the
provisions of this act, and such corporation shall have all the Powers and
powers and privileges prescribed in the act in regard to corpo- privileges.
rations, being chapter fifty-five, of revised statutes of eighteen
hundred and forty-six, and chapter seventy-three, of the com-
piled laws. They shall be capable of suing and being sued in Liabilities.
any court of this State; may have a common seal, and alter Seal.
and amend the same at pleasure; may elect in such a manner Officers;
as they may determine, all necessary officers; may fix their their com-
pensation
and duties.
compensation and determine their duties, and make from time By-laws;
how made.
to time such by-laws, not inconsistent with the constitution
and laws of this State, as a majority of the stockholders shall
choose.

Sec. 2. Any number of persons not less than five, who shall Company;
how formed.
associate according to the provisions of this act, under any
name assumed by them, to form a company for the purpose of
supplying any city, town or village, or the inhabitants thereof,
with water for any and all purposes shall, under their hands
and seals, make and acknowledge before some person author- Certificate of
association.
ized by the laws of this State to take acknowledgments of
deeds, a certificate which shall specify—

- First.* The name by which such company shall be known; Name.
- Second.* The object for which such company shall be formed; Object.
- Third.* The amount of capital stock of such company, and Amount of
capital stock.
the number of shares into which the same is divided;
- Fourth.* The amount of capital stock actually paid in; Capital stock
paid in.
- Fifth.* The names of the stockholders, their respective resi- Names, etc.
dences, and the number of shares held by each;
- Sixth.* The name of the city, town or village, and county in Place of busi-
ness and lo-
cation of
office.
which the operations of the company are to be carried on, and
the place in this State where the office for the transaction of
business is located;

Certificate,
and where
filed.

Seventh. The term of years the corporation is to exist, not exceeding thirty;

And shall cause the same to be filed with the Secretary of State of this State, and recorded in the county clerk's office of the county or counties in which such company shall conduct its business. They shall become incorporated under the name and style provided in such certificate, and are hereby authorized to carry on the operations named in such certificate of incorporation, and shall, with their successors and assigns, be deemed a body politic and corporate, in fact and in name, under any name assumed by them in their articles of association.

Real and
personal es-
tate.

Sec. 3. Every such corporation shall, by their name, have power to acquire and hold all such real and personal estate as shall be necessary for carrying on the business of said corporation.

Capital lim-
ited.

Sec. 4. The amount of capital stock in every such corporation shall be fixed by the stockholders in their articles of association, but shall in no case be less than ten thousand dollars; said stock may be increased from time to time as may be directed by the stockholders; and when the same is so increased, the same record shall be made of the fact, with the name of the stockholders, as required by section two of this act; and all the stock of said company shall be divided into shares of fifty dollars each.

How
increased.

How divided

Officers; how
and when
elected.

Sec. 5. The officers shall be elected by the stockholders when fifty per cent. of the stock shall be subscribed, and ten per cent. of the amount subscribed paid in, and after a notice of at least two weeks has been given in some newspaper printed in the place where the said business is to be located, said notice to be signed by at least three stockholders; and the officers elected shall hold their office one year, and until their successors are elected; said officers shall have the general superintendence of the affairs of the company, and the management of the business, and may call special meetings of the stockholders, and a majority of the stockholders shall constitute a quorum at all

Term of
office.

Quorum.

meetings, and at all meetings each share shall be entitled to one vote, either in person or by proxy.

Sec. 6. Any corporation formed under this act shall have ^{General powers of corporations} power to introduce water into any town, city, or village in the State, named in their articles of incorporation, and where the said corporation is located, for public or private buildings, or for other purposes; and for that purpose they are authorized and empowered to acquire and hold real estate in such town, city or village, or contiguous thereto, if necessary, and to erect and maintain all necessary and convenient buildings, fixtures, machinery, and other appurtenances incident or necessary, and to lay water pipes in and through the streets, avenues, lanes, alleys, or squares of said city, town or village, with the consent of the municipal authorities of the city, town or village, under such reasonable regulations as they may prescribe; and to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers; said corporation by their directors, agents, servants, or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purposes, and may take the water from any springs, ponds, rivers, fountains or streams, and divert and conduct the same to said city, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs, or other works or machinery necessary or proper, and authorized for said purposes, upon any lands or property entered upon, purchased, taken or held. Said corporation may, as aforesaid, enter upon any lands, streets, highways, lanes, alleys, public squares, through which they deem it proper to carry water from said springs, ponds, rivers, fountains, streams, and reservoirs, and lay and construct any pipes, conduits, aqueducts, and other works for said purposes, leaving said lands, streets, highways, lanes, or public squares in the same condition, as nearly as may be, as they were before said entry; but the said company shall not, within the bounds of such city, town or village, lay and construct said pipes, conduits, aqueducts, and

other works, through any private garden, courtyard or building-lot, without the written consent of the owner thereof.

Survey and map of lands to be made before entering upon.

Sec. 7. Before entering, taking, or using any lands for the purposes of this act, the directors of the company shall cause a survey and map to be made of the lands intended to be taken, or entered upon for any of said purposes, and by which the land of said owners or occupants intended to be taken or used shall be designated, and which map shall be signed by the surveyor or engineer making the same, and by the president of said company, and be filed in the office of the clerk of the county. The company, by any two of its officers, agents or servants, may enter upon any lands for the purpose of making any examination, and for the purpose of making said survey and map.

Map where filed.

Company may enter upon lands to examine.

Title to lands; how acquired.

Sec. 8. In case said company cannot agree with the owners or occupants of any lands, or water intended to be taken or used as aforesaid, for the purchase thereof, said company may, for the purpose of acquiring the necessary title and right to said lands or water, present a petition to the circuit court of the county where the company is located, at any term thereof, or during the vacation of the term to any judge of a court of record, praying for the appointment of three commissioners; and such proceedings shall be had upon said petition as are prescribed in the act to provide for the incorporation of railroad companies, being chapter sixty-seven of the compiled laws, for the purpose of acquiring such title or right, except that the said circuit court or judge shall appoint disinterested and competent freeholders residing in the township or municipality where the said premises are situated.

Stock deemed personal property. Certificates of, issued to stockholders. Transfer of, must be recorded.

Sec. 9. The stock of every such corporation shall be deemed personal property, and certificates of stock shall be issued to each stockholder on the full amount of his subscription being paid in; the said certificates of stock may be transferable, but the transfer shall not be valid unless a record shall be made of the same in the books of the company, in such form as the directors shall prescribe; and it shall be the duty of the direc-

tors to make out a written statement of all the stockholders, and the amount of stock held by each, when legally called upon by the proper assessing officer.

Sec. 10. The directors may call in subscriptions to the capital stock of such corporation, by installment, in such portions as they deem best, by giving notice thereof as provided by the by-laws; and in case any stockholder refuses or neglects to pay any such installment for the space of sixty days after the same shall have become due and payable, and after he shall have been notified thereof, the stock of any such delinquent stockholder may be sold by order of the directors, at public auction at the office of said company, after thirty days' notice published in some newspaper in the county where the corporation is located; and the proceeds of said sale shall be first applied in the payment of the installment called for, and the expense on the same, and the residue shall be refunded to the former owner thereof, and such sale shall entitle the purchaser to all the privileges of a stockholder to the extent of the share so bought.

Subscriptions; how called in.

Proceedings to secure unpaid subscription.

Sec. 11. The stockholders of all corporations organized under this act, shall be individually liable for debts contracted by said corporation during the time they were stockholders as aforesaid, which said liability may be enforced against any stockholder, founded on this statute, at any time after an execution shall be returned not satisfied against such company: *Provided, always,* That if any stockholder shall be compelled by any such action to pay the debts of any creditor, or any part thereof, he shall have the right to call upon all the stockholders to contribute their part of the sum so paid by him as aforesaid, and may sue them jointly or severally, or any number of them, and recover in such action the ratable amount due from the person or persons so sued.

Stockholders individually liable for debts of corporation.

Proviso.

Sec. 12. The municipal authorities of any city, village, or town into which water shall be introduced by a company, under this act, may contract and agree with such company for the

Municipal authorities may contract for supply of water.

supply of water for public, municipal, or other purposes, and for the time and mode of payment, and may issue their obligations therefor.

Annual
meetings.

Sec. 13. There shall be an annual meeting of the stockholders at such time and place as the by-laws of the corporation shall designate, for the election of directors, and the transaction of business of the corporation; special meetings of the stockholders may be called by the directors.

Special
meetings.

Officers
designated.

Sec. 14. The officers of such company shall be a president, who also shall be a director, a secretary, a treasurer, and such other officers, agents, and servants as the board of directors shall deem necessary for the transaction of the business of the company; such officers shall be elected annually, by the directors, and may be required to give bonds, with penalty and sureties to the approval of the board of directors.

Bonds of.

Common
council to
grant use of
streets, etc.

Sec. 15. Whenever any such company shall have been duly organized, it shall be the duty of the common council of any such city or village, or the proper authorities of any such town, by ordinance, to grant to such company such right to the use of the streets, alleys, wharves, (if any,) and public grounds of said city, village or town, as shall be necessary to enable such company to construct the proper works for the supply of water for the use of such city, village or town, and its inhabitants; and the said common council may, in such ordinance, prescribe such just and reasonable terms, restrictions, and limitations upon such company, in reference to the manner of using streets, alleys, wharves and public grounds; to the charging and collecting of tolls, water-rents, or other compensation for the supply of water to be furnished by such company to such city, town or village, and its inhabitants, as it may deem proper; to guard against the improper use of such streets, alleys, wharves and public grounds, and to protect said city, town or village, and its inhabitants from the imposition of undue or excessive rates or charges for the supply of water; but no such restriction shall be imposed which will prevent such company realizing upon its capital stock an annual income or divi-

May restrict
and limit
company.

Company
may realize
income on
capital stock

dend of ten per cent., after paying the cost of all necessary repairs and expenses, interest on all moneys borrowed, and five per cent. per annum into sinking funds, for the extinguishment of funded debts.

Sec. 16. From and after the expiration of twenty-five years from the time of the organization of such company, the common council of the city, town, or village for which the said company may have erected its works, shall have the right and privilege of purchasing from such company, all its buildings, reservoirs, fixtures, apparatus, and property of such company, with all its corporate rights and privileges, at such price as may be agreed upon; and in case of disagreement between the parties, the price to be ascertained and determined by five interested persons, not residents of said city or village, two of whom shall be chosen by said common council, two by the board of directors of such company, and the fifth by the four so chosen, who, when thus chosen and assembled, shall have power to determine, finally and conclusively, the amount which such town, city, or village shall pay for the rights, property, and franchises of such company as aforesaid.

Time when common council may purchase water works.

Disagreement in price; how settled.

Sec. 17. Any such city, town or village may become a stockholder in any such company whenever the common council shall so direct, by resolution duly entered upon its minutes, after the question of so doing shall have been first submitted to the electors of said city, town or village, in such manner as the common council may have prescribed, and the said electors shall have voted in favor thereof. Such resolution shall specify the number of shares to be taken, and shall require the mayor, president, or other municipal officer to carry out the directions by subscribing for the number of shares indicated upon the books of the company. Any railroad, gas, manufacturing, or other corporation organized under any law of this State, and any insurance company organized under the laws of any State or country, doing business in this State, may subscribe for and

How any city or village may become a stockholder.

Who to subscribe.

Certain corporations may subscribe stock.

Bonds may be issued by any city or village; rate of interest on.

Taxes may be levied.

When company shall be deemed fully organized.

When may raise money and issue bonds.

When preferred stock may be issued.

Directors not to contract debts in excess of means

own stock in such company, and be entitled to all the rights and privileges, and shall be subject to all the liabilities of stockholders. It shall be lawful for any such city, town or village to issue bonds, payable at such time as the common council shall direct, and bearing interest at a rate not exceeding eight per cent. per annum, and to negotiate the same upon the best terms they can obtain. Such cities, towns, and villages shall have power in addition to that given by their charters, to levy taxes not exceeding two per cent. on the assessed valuation per annum, sufficient to meet the principal and interest falling due on such bonds.

Sec. 18. Any such company shall be deemed to be fully organized whenever half the capital stock named in its articles of association shall have been in good faith subscribed, and ten per cent. thereof paid in, and may thereupon enter on the work of construction; and in order to raise moneys for that purpose, it shall have power to borrow money, to issue bonds, or other evidences of indebtedness, to execute mortgages or trust deeds, as may be deemed necessary for that purpose; and it may also issue a preferred stock, if a majority of the stockholders of the company shall vote that it is advisable so to do; but in the case that such city, town or village is a stockholder, no such mortgage, trust deed, or issue of preferred stock shall be valid without the assent thereto of the common council of said city or village, or the municipal authorities of such town; and in such case it shall be deemed a misdemeanor for the directors of said company to contract debts to any amount in excess of the means provided for, by subscriptions to stock, and the estimated net receipts of the company from its rates for one year, in advance, except they shall have first obtained the assent thereto of the said common council.

Sec. 19. This act shall take immediate effect.

Approved April 3, 1869.

[No. 114.]

AN ACT to amend sections twelve, sixteen, and twenty-six, of chapter one hundred and twenty-three, of the revised statutes of eighteen hundred and forty-six, "Of forcible entries and detainers," being sections four thousand nine hundred and eighty-five, four thousand nine hundred and eighty-nine, and four thousand nine hundred and ninety-nine, of the compiled laws, and to repeal act number ninety-four, of the session laws of eighteen hundred and sixty-seven, approved March twenty-fifth, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That sections twelve, sixteen, and twenty-six, of chapter one hundred and twenty-three, of the revised statutes of eighteen hundred and forty-six, relative to forcible entries and detainers, be and the same are hereby amended so as to read as follows:* Sections amended.

Sec. 12. The person entitled to any premises, may recover possession thereof in the manner hereinafter provided, in the following cases: Cases when possession may be recovered.

First. When any person shall hold over any lands or tenements, after the time for which they are demised or let to him, or to the person under whom he holds, or contrary to the conditions or covenants of any executory contract for the purchase of lands or tenements, or any lease or agreement under which he holds, or where rent shall have become due on any such lease or agreement, and demand of the rent or possession of the premises is waived therein, in writing, and not included in the printed form of the lease or agreement;

Second. When any rent shall have become due on any such lease or agreement, and the tenant or person in possession shall have neglected or refused for fourteen days after demand of the possession of the premises, unless waived as aforesaid, made in writing, to deliver up possession of the premises, or pay the rent so due;

Third. When any person shall continue in possession of any premises sold by virtue of any mortgage or execution, after the expiration of the time limited by law for the redemption of such premises;

Fourth. When any tenant, at will, or by sufferance, shall hold over, after the determination of his estate, by a notice to quit, as provided by law.

Proceedings
upon return
of summons.

Sec. 16. Upon the return of such summons, if the same be returned duly served and the defendant appears, such defendant may plead not guilty to the complaint, or if he neglect or refuse to plead thereto, such officer shall enter such plea for him, and such issue shall be tried, and judgment shall be rendered, and the same proceedings shall be had thereon in all respects, and the costs shall be taxed and collected in the same manner as in cases of forcible entry or detainer, and with the like effect:

Proviso.

Provided, That if it is claimed that the complainant is entitled to the possession of said premises in consequence of the non-payment of any sum of money due, either as rent or as a part or portion of the purchase money of the premises, under a contract in writing, for the purchase thereof, such officer, or the jury, if the case is tried by a jury shall, in addition, ascertain and determine the amount due the said complainant, and such amount shall be stated in said judgment.

When writ
of restitution
to issue, after
entry of
judgment.
In case of
appeal.

Sec. 26. No writ of restitution shall be issued under the provisions of this chapter, until the expiration of five days after the entry of judgment of restitution; and in case of an appeal within that time, no writ of restitution shall issue until such appeal be determined in the circuit court; and in case it is found that the complainant is entitled to the possession of the premises, in consequence of the non-payment of a sum of money, no writ of restitution shall issue, if the defendant shall, within five days after final judgment, pay the amount so found due, and double the amount of costs awarded to the said complainant.

Act repealed

Sec. 2. Act number ninety-four, of session laws of eighteen hundred and sixty-seven, approved March twenty-fifth, eighteen hundred and sixty-seven, is hereby repealed.

Approved April 3, 1869.

[No. 115.]

AN ACT to provide an additional sum for the payment of officers and members of the Legislature for the year one thousand eight hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact, That in* Appropriation. addition to the appropriation heretofore made, there be appropriated out of any money in the treasury to the credit of the general fund, a further sum not exceeding ten thousand dollars, for the payment of the members and officers of the Legislature, for the year one thousand eight hundred and sixty-nine.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 116.]

AN ACT to provide for the purchase of books for the State Library.

SECTION 1. *The People of the State of Michigan enact, That* Appropriation. the sum of five hundred dollars be and the same is hereby appropriated out of any money in the State treasury to the credit of the general fund, not otherwise appropriated, for the purchase of books for the State Library.

Sec. 2. The money so appropriated shall be drawn from the How drawn. State treasury upon the warrant of the Auditor General, and shall be expended by the State Librarian for the purposes aforesaid.

Sec. 3. This act shall take immediate effect.

Approved April 3, 1869.

[No. 117.]

AN ACT to amend section fifty-two, of chapter seventy-seven, of the revised statutes of eighteen hundred and forty-six, being section three thousand and ninety of the compiled laws, touching the sale of lands for the payment of debts, by executors, administrators and guardians, by adding a proviso thereto.

Section
amended

SECTION 1. *The People of the State of Michigan enact, That* section fifty-two, of chapter seventy-seven, of the revised statutes of eighteen hundred and forty-six, being section three thousand and ninety of the compiled laws, be and hereby is amended so that said section shall read as follows:

When sale
not avoided
on account
of irregulari-
ties, when
contested,
etc.

Sec. 52. In case of an action relating to any estate sold by an executor, administrator or guardian, in which an heir or other person claiming under the deceased, or in which the ward or any person claiming under him, shall contest the validity of the sale, it shall not be avoided on account of any irregularity in the proceedings, provided it shall appear—

First. That the executor, administrator or guardian was licensed to make the sale by the probate court having jurisdiction;

Second. That he gave a bond which was approved by the judge of probate, in case a bond was required upon granting a license;

Third. That he took the oath prescribed in this chapter;

Fourth. That he gave notice of the time and place of sale, as in this chapter prescribed; and,

Fifth. That the premises were sold accordingly, and the sale confirmed by the court, and that they are held by one who purchased them in good faith: *Provided,* That in all cases where any person, or those under whom he holds, has been in actual possession of any lands or premises for the period of ten years, holding and claiming under and by virtue of a deed executed by any executor, administrator or guardian, such deed shall be *prima facie* evidence of the regularity of all the pro-

Proviso.

ceedings from and including the application to sell such lands or premises, to the date and execution of the deed, inclusive.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 118.]

AN ACT making appropriations to pay the arrearages of the Michigan Institution for educating the Deaf and Dumb, and the Blind, for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight, and for the support thereof for the years eighteen hundred and sixty-nine and eighteen hundred and seventy.

SECTION 1. *The People of the State of Michigan enact,* That the sum of fifteen thousand dollars be and the same is hereby appropriated out of the general fund, for the purpose of paying the arrearages of the Michigan Institution for educating the Deaf and Dumb and the Blind, for the years eighteen hundred and sixty-seven and eighteen hundred and sixty-eight. Appropriation for arrearages, 1867-8.

Sec. 2. The sum of thirty-seven thousand and five hundred dollars, if so much shall be necessary, for the year eighteen hundred and sixty-nine, and the further sum of thirty-seven thousand and five hundred dollars, if so much shall be necessary, for the year eighteen hundred and seventy, are hereby appropriated for the support of said institution. Appropriation, 1869 and 1870.

Sec. 3. The several sums mentioned in sections one and two of this act, shall be passed from the general to the institution fund, on the books of the State Treasurer, and shall be paid out by said treasurer for the respective years above mentioned, and drawn upon warrants made from time to time, as the wants of the institution require, by the board of trustees, and countersigned by the Auditor General, to be used for the purposes specified in sections one and two of this act, and for no other use or purpose whatever. How drawn

Sec. 4. This act shall take immediate effect.

Approved April 3, 1869.

[No. 119.]

AN ACT to provide for the incorporation of Savings' Associations.

Authorizing
offices of
deposit and
loan.

SECTION 1. *The People of the State of Michigan enact, That* any five persons, or more, may associate themselves together and establish offices of deposit and loan of money, upon the terms and conditions, and subject to the liabilities and restrictions prescribed in this act; but the aggregate amount of the capital stock of any such association shall not be less than ten thousand dollars nor more than one hundred thousand dollars.

Aggregate
amount of
capital stock.

One-half paid
in before
business is
commenced.

One-half at least of such capital stock shall be paid in before any such association shall commence business, or receive any deposits or make any loans.

Certificate of
association.

Sec. 2. Such persons, under their hands and seals, shall make a certificate in writing, which shall specify—

Contents.

First. The name assumed to distinguish such association, and to be used in all its dealings;

Second. The place where the operations of deposit and loan of such association are to be carried on, designating the particular county, city, town or village, at which place such association shall keep an office for the transaction of its business;

Third. The amount of the capital stock of such association, and the number of shares into which the same is divided;

Fourth. The name and place of residence of the shareholders, and the number of shares held and owned by each of them respectively;

Fifth. The period at which such association shall commence and terminate, and which period shall not exceed thirty years;

Sixth. The names and place of residence of the several trustees and officers, and the number of shares of the capital stock of such association owned and held by each of such trustees and officers, which certificate shall be proved or acknowledged, and recorded in the office of register of deeds of the county where any office of such association shall be established, and a copy thereof filed in the office of the Secretary of State.

Acknowledg-
ment and
record of.

Sec. 3. The certificate required by the last preceding section to be recorded in the office of the register of deeds of the county, and filed in the office of Secretary of State, as aforesaid, or copies thereof, duly certified by either of said officers, may be used as evidence in all courts and places, for and against such association. Effect of certified copy of certificate of association.

Sec. 4. Such association, when so organized, shall have power to receive deposits of money, and pay interest on the same at such rates as shall be agreed upon, but in no case exceeding seven per centum per annum, and may loan such deposit money upon real estate security, upon United States stocks, or upon the stocks of the State of Michigan, at such rates of interest as may be agreed upon, not exceeding ten per centum per annum: *Provided*, That no loan shall be made upon any real estate unless the same shall be free and clear from all incumbrance, and then not to an amount exceeding two-thirds of its actual cash value, exclusive of buildings thereon: *And* May receive and loan deposits; interest limited *provided further*, That in loaning money upon mortgage of real estate, preference shall always be given, the security being equal, to applicants of one thousand dollars or less. Kind of securities on loans.

Sec. 5. It shall not be lawful for any association formed under this act, to loan money on any personal security to an amount in the aggregate exceeding their own cash capital, which shall have been paid in on their own stock, and shall remain unimpaired and exclusive of all that shall have been invested in office furniture and fixtures, or real estate; it being the true intent and meaning of this act to limit the loaning of any moneys to be deposited in any such association to productive, unincumbered real estate security, or United States stock, or Michigan State stock security, and to make it unlawful to loan such moneys, or any part thereof, upon any other securities whatever. Money shall not be loaned on personal security to exceed cash capital.

Sec. 6. It shall not be lawful for any association organized under this act, to engage in the business of buying and selling exchange, nor to issue any letters of credit, or buy and sell commercial paper, or do any business pertaining to banking, True intent and meaning of this act.

Exceptions. except as in the receiving and loaning deposits as above stated,
How may use own paid up capital. but any such association may use its own capital stock actually paid in and remaining unimpaired, for the purpose of buying and selling exchange.

Call of first meeting. Sec. 7. The stockholders who shall have signed the said certificate, and filed and recorded the same as specified in this act,
Choice of trustees. may call the first meeting of the same, and choose a board of trustees, consisting of not less than three nor more than ten
Term of office. persons, who shall hold their offices until their successors are chosen at the first regular annual meeting, to be held as herein-after provided.

Annual meetings. Sec. 8. It shall be the duty of every association formed under this act to hold an annual meeting on some day in the month
Choice of trustees. By-Laws. of January, in each and every year, at which time they may choose a board of trustees, make by-laws, and transact any other business not inconsistent with the provisions of this act, and the trustees so to be chosen shall hold their office for the period of one year, and until their successors shall have been elected and qualified.

Trustees to choose officers. Sec. 9. A majority of the trustees of any such association may choose a president, vice president and treasurer, and any
Previous. other officers authorized by their by-laws: *Provided*, No such president or vice president shall receive any pecuniary consideration for his services as such, nor shall any trustee be paid for his services as trustee, nor shall loans of money be made to the officers or trustees of such association from its funds.

Trustees shall examine book, etc. and record a summary of the examination. Sec. 10. Such trustees, or a majority of them, shall at least
Book open for inspection. once in each month make a careful examination of the books, securities, and funds of every such association, and shall in writing give a summary of the same in a book to be kept for that purpose, which shall be open to the inspection of all the stockholders and depositors.

Seal; who to use same, and sign, etc. papers. Sec. 11. Every association formed under this act may provide for its use in its business a common seal, alter or change the same at pleasure; may authorize its president, treasurer, or any other officer to use the same, and to sign, execute, and deliver

all necessary papers, whether under seal or not, pertaining to the proper transaction of the business of said association.

Sec. 12. Every such association so organized, shall have power to sue and be sued, plead and be impleaded, answer and be answered in all suits arising from or growing out of its business, under and by virtue of this act, in all courts of competent jurisdiction. Power to sue etc.

Sec. 13. The board of trustees of every such association shall exhibit to the Attorney General of the State, for the time being, during the month of January, in each and every year, a report of the condition of such association at the close of the year immediately preceding; such report shall state the number of depositors, the amount of deposits, the aggregate of loans, and amount upon each class of securities, the names and residence of their trustees and officers, for the time being, and any other matters affecting the safety of their deposits, or the interest of their creditors. Report to Attorney General in January. Contents of report.

Sec. 14. The Attorney General of the State shall present all such reports received by him to the Legislature in regular session, at his earliest opportunity; and whenever, upon knowledge, information or belief, derived from said reports, or from any other source, he shall deem it necessary for the interests of the creditors of any such association, or that its business is being conducted in a manner inconsistent with the provisions of this act, or any of the laws of this State, he shall have full power, and it is hereby made his duty to proceed to close up the affairs of such association, in any court of competent jurisdiction, and according to the laws in such case made and provided. Attorney General to present report to Legislature. Power of Attorney General to close up affairs of association.

Sec. 15. No association organized under this act shall divide among its stockholders more than its actual profits, over and above all losses, at the time of making any dividend, nor shall it divide as aforesaid, more than ten per cent. on the full amount of capital stock in any one year, during the existence of the association, and until all its creditors are fully paid. Concerning dividends to stockholders etc.

Treasurer shall give bonds.

Sec. 16. The treasurer of every such association shall give good and sufficient bonds, in the penal sum of not less than ten thousand dollars, to the trustees, for the faithful performance of the duties devolving upon him, and in case of his defalcation, said treasurer shall be deemed personally guilty of a misdemeanor, and on conviction thereof, shall be liable to imprisonment not exceeding two years in the State prison.

In case of default, etc.

Association may accept and execute all trusts committed.

Sec. 17. It shall be lawful for any such savings association to accept and execute all trusts, whether fiduciary or otherwise, as shall or may be committed to said association by any person or persons, or by the order or direction of any court or tribunal, or other legally constituted authority of the State of Michigan, and to make such special regulations in reference to trusts, funds, deposits, or savings left for accumulation or safe-keeping, as shall best aid the said depositors or parties interested by accumulating or increasing the same, allowing and receiving such interest therefor as may be agreed upon, not exceeding seven per cent.

May make special regulations in reference to trusts, etc., to aid the interest of parties.

Limits to interest received or paid.

Association subject to orders, etc., of court, committing trusts, etc., to it.

Sec. 18. Every such savings association, in respect to such trusts or funds as shall be committed to it by any court or tribunal of this State, under the provisions of this act, shall be subject to all such orders and decrees as said court shall make and pass in respect thereto, and to the investment thereof, and the security therefor, and shall be liable to account at such time or times, and in such way and manner as said court or tribunal shall order, for the principal and interest of such trusts or funds.

Concerning deposits by minors.

Sec. 19. Whenever a deposit shall be made with any such association, by or in the name of any minor, the treasurer may, if directed by the trustees of such association, pay the same to such minor, or the person making such deposit, and the same shall be a valid payment.

What real estate association may hold.

Sec. 20. The real estate which it shall be lawful for any such association to purchase, hold, and convey, shall be:

1. Such as may be requisite for its accommodation for the convenient transaction of its business;

2. Such as shall have been mortgaged to it in good faith, ^{and} for money loaned in pursuance of the provisions of this act;

3. Such as shall have been purchased at sales upon ^{and} judgments or decrees, obtained or rendered for money so loaned; and no such association shall purchase, hold, or convey real estate in any other case, or for any other purpose. And all such real estate as is described in the second and third subdivisions of this section, shall be sold by such association within five years after the same shall be vested in it by purchase, or otherwise; and no such association shall, directly or indirectly, deal or trade in buying or selling any goods, wares, or merchandise whatever, except in the cases where it is authorized to do so by the terms of this act, and also, except such personal property as may be requisite for the accommodation and convenient transaction of its business.

Sec. 21. This act shall take immediate effect.

Approved April 3, 1869.

[No. 120.]

AN ACT to provide for repairing and finishing the State Prison, and for making certain additions and improvements thereto,

SECTION 1. *The People of the State of Michigan enact*, That the agent of the State Prison, under the direction of the inspectors thereof, shall proceed with convenient dispatch, to build a building at such place within the prison grounds as may be designated by the inspectors of the State Prison; said building not to be less than one hundred feet in length, and not less than forty-four feet in width, and to be two stories high beside the basement story, with slate roof, to be built in a good and substantial manner, and of good material, to be used for the storing of provisions, for bath-rooms, a chapel, and for such other purposes as may be necessary. Also, to repair the reception room of said prison, to repair and newly roof the front building of said prison; also, to lay down a good stone floor in

Building authorized, for baths and store rooms, and chapel.

Dimensions.

Materials.

Repairing.

Stone floor.

Sewerage. the dining room of said prison; also, to improve and repair the sewerage in and about said prison, and to build an iron fence in front of said prison.

Duty of Inspectors. Sec. 2. It shall be the duty of the inspectors of the State Prison to prescribe the plan of said building, the material to be used in its construction, and direct the work upon the same; also, to direct the material to be used, the manner of repairing the reception room, the manner of repairing and newly roofing the front building of said prison and the flagging of said dining room floor; to direct the improvements and repairs in and about constructing drains and sewerage of said prison, and the construction of the iron fence in front of said prison.

Appropriation. Sec. 3. There is hereby appropriated from the State treasury the sum of twenty thousand dollars, if so much shall be required, for the purposes mentioned in section one of this act, as follows: For constructing the building mentioned in section one of this act, fifteen thousand dollars; for repairing the reception room, five hundred dollars; for repairing and newly roofing the front building, five hundred dollars; for laying down stone flagging-floor in the dining room of said prison, one thousand dollars; for improving and repairing the sewerage and drainage, one thousand dollars; for constructing the iron fence in front of prison, two thousand dollars. And it shall be the duty of the Auditor General to draw his warrant upon the State Treasurer, from time to time, for such sums as the State Prison inspectors shall certify to be necessary to defray the accruing expenses for the work aforesaid.

How drawn. Sec. 4. There may be used in the construction of said building and such work, such convict labor as the State Prison inspectors may direct, and the entire amount hereby appropriated for the purposes herein, shall be and remain separate and distinct from all moneys for the support, maintenance, and management of the prison. The clerk of the prison shall be the clerk of such agent, and shall keep in separate books, under the direction of such agent, all records, accounts, and

Convict labor may be used.

Amount appropriated to be kept separate from that for support, etc.

Duty of clerk

other matters necessary and proper to be kept, relating to all the provisions of this act.

Sec. 5. This act shall take immediate effect.

Approved April 3, 1869.

[No. 121.]

AN ACT making appropriations for completing and furnishing the buildings, and improving the grounds of the Michigan Institution for Educating the Deaf and Dumb, and the Blind, and for purchasing machinery, tools and stock, and to pay foremen of shops of the same.

SECTION 1. *The People of the State of Michigan enact, That* for the purpose of completing the three buildings of the Michigan Institution for Educating the Deaf and Dumb, and the Blind, in all its parts, including portico in front, and facilities for heating and ventilating made necessary by finishing thereof, the sum of sixty thousand dollars be and the same is hereby appropriated, and the further sum of two thousand dollars for purchasing musical instruments, maps, globes, books, &c., for blind pupils, and the further sum of three thousand dollars for fencing, grading, and making a road, and the further sum of five thousand dollars for the purchase of machinery, tools, and stock for shop, and for payment of foremen of same.

Sec. 2. The several sums mentioned in section one of this act, amounting in the aggregate to the sum of seventy thousand dollars, the Auditor General shall add to and incorporate with the State tax for the year one thousand eight hundred and sixty-nine, and when collected, the said sum of seventy thousand dollars shall be passed to the credit of the "Institution Fund," on the books of the State Treasurer, and drawn upon warrants made by the board of trustees and countersigned by the Auditor General, to be used for the purposes specified in section one of this act, and for no other use or purpose whatever; but in anticipation of said tax, the Auditor General shall, immediately

Appropriation for completion of buildings, heating, musical instruments, fencing, machinery, etc.

Auditor General to incorporate appropriation with State tax.

How drawn and used.

Auditor to transfer from general to institution fund.

after the passage of this act, transfer from the general to the institution fund thirty thousand dollars of the amount mentioned in this section, to be replaced as soon as said tax shall be collected, said sum to be drawn and used as herein provided.

Trustees to render quarter yearly account to Auditor.

Sec. 3. It shall be the duty of the board of trustees to render quarter-yearly, to the Auditor General, accounts current of all cash transactions, and all moneys received, with the

Money shall not be drawn until estimates are filed.

proper vouchers; and no money shall be drawn by virtue of this act, by said board of trustees, unless they shall have first filed with the Auditor General an estimate and statement,

Auditor to draw warrant only for purposes specified.

showing the purpose for which such money is required; nor shall the Auditor General draw his warrant except for the purposes for which the moneys in this act above specified are appropriated.

Sec. 4. This act shall take immediate effect.

Approved April 8, 1869.

[No. 122.]

AN ACT to amend sections one and three, of act number seventy-six, of the session laws of eighteen hundred and sixty-seven, being an act entitled "An act to provide for the appointment of a commissioner, to be known as the Swamp Land State Road Commissioner," approved March twenty-first, eighteen hundred and sixty-seven.

Sections amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one and three, of act seventy-six, of the session laws of eighteen hundred and sixty-seven, being an act entitled "An act to provide for the appointment of a commissioner, to be known as the Swamp Land State Road Commissioner," be and is hereby amended so as to read as follows:

Governor to appoint a State swamp land road commissioner.
Term of office.

SECTION 1. *The People of the State of Michigan enact*, That there shall be appointed by the Governor, by and with the consent of the Senate, a commissioner, to be known as the Swamp Land State Road Commissioner, whose term of office shall continue for the term of two years, unless the Governor

shall deem such office unnecessary, in which case such appointment may be revoked. Said commissioner shall devote his entire time to the duties of said office, and shall receive at the rate of fifteen hundred dollars per year for such services.

Sec. 3. The said commissioner is authorized, if necessary, to appoint a clerk, who shall be paid an annual salary of one thousand dollars.

Power of Governor to revoke.

Clerk to commissioner. Salary of.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 123.]

AN ACT making appropriation for the completion of Normal School building.

SECTION 1. *The People of the State of Michigan enact, That* the sum of seven thousand and five hundred dollars be and hereby is appropriated for the completion and furnishing, ready for Normal School purposes, of the building on the Normal School grounds heretofore known as the museum building; and the same shall be drawn from the general fund, by the warrant of the President, countersigned by the Secretary of the State Board of Education, upon the State Treasurer.

Appropriation.

How drawn.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 124.]

AN ACT to revise and consolidate the several acts relating to the protection of game, and for the better preservation of elk, deer, birds, and wild fowl.

SECTION 1. *The People of the State of Michigan enact, That* no person or persons shall pursue or hunt, or kill any wild elk, wild buck, doe or fawn, or kill, destroy, or take by any means whatever, or attempt to take, or destroy any wild turkey, wood-cock, prairie chicken, or pinnated grouse, ruffed grouse,

Prohibiting the killing of certain game, only during Sept., Oct., Nov. and Dec.

commonly called partridge, or pheasant, or snipe, or kill by any means whatever, any wood duck, teal duck, or mallard duck, save only during the months of September, October, November and December, in each year.

Quails shall not be killed until Oct. 1st, 1870.

Sec. 2. No person or persons shall kill or destroy, or attempt to kill or destroy any quail, sometimes called Virginia partridge, save only during the months of October, November and December, in each year; and no person shall kill or destroy any quail in this State, at any time after the passage of this act, until the first day of October, one thousand eight hundred and seventy, under a penalty of five dollars for each quail destroyed.

Trapping partridge, prairie chickens, quails.

Proviso.

Sec. 3. No person or persons shall at any time, with a trap or snare, take any partridge, prairie chicken, or quail, or attempt to take with any trap or snare, any partridge, prairie chicken, or quail: *Providing however*, It shall be lawful to trap quail, and take them alive, for the purpose of keeping them alive through the winter, and for no other purpose whatever.

Killing fowl with swivel guns, etc., and robbing nests prohibited.

Sec. 4. No person or persons shall at any time kill, or attempt to kill any wild duck, or other wild fowl, with or by means of a swivel or punt gun, or rob or destroy the nests of any wild ducks or wild geese, or in any manner kill or molest the same whilst they are sitting at night on their nesting places,

Selling, etc., game at certain seasons, prohibited.

Sec. 5. No person or persons shall sell or expose for sale, or have in his or her possession for the purpose of selling or exposing for sale, between the tenth day of January and first day of September in each year, any wild elk, wild buck, doe or fawn, or any fresh venison or elk meat, or any wild turkey, prairie chicken, partridge, quail, or mallard, wood and teal duck, or wild grouse: *Provided however*, It shall be lawful to expose for sale, and to sell any live quail for the purpose of preserving the same alive through the winter.

Proviso.

Penalty for violating provisions of this act.

Sec. 6. Any person or persons violating any of the foregoing provisions of this act, shall be deemed guilty of a misdemeanor, and shall likewise be liable to a penalty of fifty dollars for each offense, and shall, on conviction thereof, stand committed

to the common jail until such penalty is paid, provided that such imprisonment shall not exceed thirty days.

Sec. 7. No person shall at any time, within this State, kill any robin, night-hawk, whippowil, finch, thrush, lark, sparrow, cherry bird, swallow, yellow bird, blue bird, brown thrasher, wren, martin, oriole, wood-pecker, bobalink, or any song bird, nor rob the nests of such birds, under a penalty of five dollars for each bird so killed, and for each nest so robbed.

Entirely prohibiting any person from killing at any time, certain birds.

Sec. 8. That any railroad, express company, or other common carrier, or any of their agents or servants, or other persons having any of the above birds or animals in their possession for transportation, or shall transport the same after the times limited and prescribed for the killing of such birds or animals, shall be punished by fine of not less than ten dollars, nor more than one hundred dollars: *Provided*, Such penalty shall not apply to the transportation of live quail which are to be kept alive through the winter, or to transportation of such birds or animals *in transitu* through this State, from other States where it is lawful to kill such birds or animals at the time of such transportation.

Penalties for transporting birds or animals mentioned, after time limited for killing.

Proviso.

Sec. 9. No person or persons shall use any gun or guns, or fire-arms, to maim, kill, or destroy any wild pigeon or pigeons, at or within one-half mile of the place or places where they are gathered in bodies for the purpose of brooding their young, known as pigeon nestings; and no person or persons shall use any gun, guns or fire-arms, to maim, kill, or destroy any wild pigeon or pigeons within their roostings, anywhere within the limits of this State; and every person so offending against the provisions of this section, or any part thereof, shall be subject to a penalty of fifty dollars, with costs of suit.

Penalty for maiming pigeons near nestings, etc.

Sec. 10. A prosecution may be brought by any person in the name of the people of the State of Michigan, against any person or persons violating any of the provisions of this act, before any justice of the peace of the county in which such violation is alleged to have taken place, or before any court of competent jurisdiction; and it is made the duty of all prosecuting attor-

Prosecution, how brought

Prosecuting
attorneys,
duties of.

neys in this State to see that the provisions of this act are enforced in their respective counties, and they shall prosecute all offenders, on receiving information of the violation of any of the provisions of this act; and it is made the duty of sheriffs, under-sheriffs, deputy-sheriffs, constables, and police officers, to inform against and prosecute all persons whom there is probable cause to believe are guilty of violating any of the provisions of this act.

Sheriffs, etc.,
duties of.

Birds and an-
imals may be
killed for
specimens,
etc.

Sec. 11. The provisions of this act shall not apply to any person who shall kill any of the birds or animals protected by this act, for the sole purpose of preserving them as specimens for scientific purposes, nor to any person who shall collect the eggs or nests of any bird for such scientific purposes: *Provided*, That in a prosecution for the violation of any of the provisions of this act, it shall not be necessary for the prosecution to prove that the killing of the bird or animal, or the taking of the nest or eggs, as the case may be, was not done for scientific purposes.

Proviso.

Prosecutions
to be made
within three
months.

Sec. 12. All prosecutions under the provisions of this act shall be commenced within three months from the time such offense was committed.

Sec. 13. All acts and parts of acts, contravening any of the provisions of this act, are hereby repealed.

Approved April 3, 1869.

[No. 125.]

AN ACT to amend "An act to provide for the registration of births, marriages and deaths, being act number one hundred and ninety-four, session laws of eighteen hundred and sixty-seven," approved March twenty-seventh, eighteen hundred and sixty-seven, and to add a new section thereto.

Sections
amended.

SECTION 1. *The People of the State of Michigan enact*, That sections one, three, and four of an act entitled "An act to provide for the registration of births, marriages and deaths," approved March twenty-seventh, eighteen hundred and sixty-

seven, be and the same are hereby amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact, That it shall be the duty of the supervisor of each township, and the supervisor or assessor of any city or ward therein, in this State, between the tenth day of April and the first day of June, in the year eighteen hundred and sixty-nine, to ascertain, by actual inquiry or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities or wards, from and including April fifth, eighteen hundred and sixty-eight, to and including December thirty-first, eighteen hundred and sixty-eight, together with the facts relative thereto, as are hereinafter provided for, and shall make an accurate return thereof to the clerk of the county in which such township or city is situated, on or before the first said day of June; and for such service shall receive ten cents for each birth and death so returned by them, to be paid by the county in which such returns are made. In the year eighteen hundred and seventy, and in each and every year thereafter, it shall be the duty of the officers above mentioned, between the tenth day of April and the first day of June, to ascertain by actual inquiry or otherwise, of the inhabitants thereof, the births and deaths which have occurred in their respective townships, cities or wards, during the year ending on the last day of the preceding December, and shall make the return, and receive therefor the compensation above provided for: *Provided, That in the city of Detroit, the duties required by this act to be performed by supervisors and assessors shall be performed by persons appointed by the common council for that purpose; and it shall be the duty of the common council, on or before the tenth day of April, in each year, to appoint such number of persons in each ward of said city, as shall be necessary to perform said duties within the time limited by this act; and such persons shall possess all the authority conferred upon, and perform all the duties required of supervisors and assessors, by this act, within the territory assigned them respectively, by the common**

Duties of supervisors and assessors.

In 1869 returns to be made from April 5, to Dec. 31, 1869

Return to county clerk

In 1870 and thereafter, returns to include from January to December last preceding.

Statistics; how obtained.

Compensation. Proviso relating to the city of Detroit.

Duty of common council.

Persons to be appointed by

Compensation of persons so appointed.

How paid.

Penalties.

County clerks; duties of.

Births, marriages and deaths to be numbered and indexed.

Record of births shall state.

Proviso.

Record of marriages shall state.

council, and shall receive such compensation for their services, not exceeding the sum allowed by this act to supervisors and assessors, as shall be fixed by the common council, to be paid by the county of Wayne, and shall be liable to the same penalties for refusal or neglect to perform any of said duties.

Sec. 3. It shall be the duty of the county clerks of the several counties in this State, on receiving the returns of such births, marriages and deaths, to record the same at length in separate books, to be provided at the expense of the State by the Secretary of State, for that purpose, with proper indexes thereto. The births, marriages and deaths shall be numbered and recorded in the order in which they are received by the clerk, and the record of marriages shall be indexed, using both the name of the bridegroom and bride. The record of births shall state, in separate columns, the date of the birth, the name of the child, (if it have any,) the sex and color of the child, the place of birth, the christian and surname of both parents, the residence and nativity of the parents, the occupation of the father, and the date when the record was made: *Provided*, That in case the child has no christian name, such name shall be obtained and reported to the county clerk in the next annual report of the supervisor or assessor, and such christian name shall be distinctly designated in such report as the christian name belonging to a child previously reported, and shall be properly entered by said county clerk, in the blank left for such christian name in his book of record; and it shall be the duty of the several county clerks, on or before the tenth day of April in each year, to give to the officers required to make the said returns, lists of such children whose christian names have not been previously reported in their respective towns, cities or wards. The record of marriages shall state, in separate columns, the date and place of marriage, the christian and surname of the bridegroom and bride, and the maiden name of the bride, if a widow, the color, age, and place of birth of each, the residence of each at the time of marriage, the occupation of the bridegroom, and the name and official station of the

person by or before whom they were married, the names and residences of at least two witnesses present at such marriage, and the date when such record was made. The record of deaths shall state, in separate columns, the date of the death, the christian and surname of the deceased, the sex and color, whether married or single, the age in years, months, and days, the place of death, the disease or apparent cause of death, the nativity of the deceased, and the occupation, if any, and the names, residence of the parents, if known, and the date when such record was made. The clerks of the several counties shall annually, on or before the first day of September, make and transmit to the Secretary of State, a certified copy of the records in his office, of all the births, marriages and deaths reported in their respective counties for the year ending December thirty-first, last preceding. And each county clerk shall receive for the record of each birth and death in his office three cents, and three cents for each birth, marriage and death returned by him to the Secretary of State, to be paid by the county, and shall be compensation in full for all services required by this act to be performed by him.

Record of deaths shall state.

Return of county clerk

Compensation.

Sec. 4. The Secretary of State shall prepare and furnish to the county clerks of the several counties in this State, blank books of suitable quality and size, with proper rulings and headings, to be used as books of record in carrying into effect the provisions of this act. He shall also prepare and furnish blank "forms of returns," as hereinbefore specified, accompanied with such instructions and explanations as may be necessary to insure uniformity in such returns, which blanks shall be forwarded to the several county clerks on or before the first day of March in each year; and the said county clerks shall deliver the same to the supervisors or assessors of the several townships, cities, or wards therein, in their respective counties, on or before the tenth day of April.

Secretary of State; duties of

Sec. 2. That there be added to said act a new section, to stand as section ten, (11) to read as follows:

Section added.

Compensation of supervisors and assessors for 1868.

County clerks.

Sec. 10. (11.) The several supervisors and assessors of the townships, villages, and cities in this State, who have made any returns of births and deaths to the county clerk of their respective counties for the year eighteen hundred and sixty-eight, and have not received the amount of compensation as provided for in this act, shall be paid therefor at rates set forth in the preceding sections. And such county clerks as have made returns of the births, marriages and deaths to the Secretary of State for the year eighteen hundred and sixty-eight, and who have not received compensation therefor, shall be paid for the same at the rates set forth in the preceding sections.

Sec. 3. This act shall take immediate effect.

Approved April 8, 1869.

[No. 126.]

- AN ACT to amend act number two hundred and twenty-seven, of the session laws of eighteen hundred and sixty-three, entitled "An act to amend sections one, two, four, five, six and nine, of the revised statutes of eighteen hundred and forty-six, being sections five thousand three hundred and fifty, five thousand three hundred and fifty-one, five thousand three hundred and fifty-three, five thousand three hundred and fifty-four, five thousand three hundred and fifty-five, and five thousand three hundred and fifty-eight, of the compiled laws, touching the limitation of actions relating to real property."

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section nine, of chapter one hundred and thirty-nine, of the revised statutes of eighteen hundred and forty-six, being section five thousand three hundred and fifty-eight of the compiled laws, as amended by act number two hundred and twenty-seven, of the session laws of eighteen hundred and sixty-three, be and hereby is amended so that said section shall read as follows:

(5358.) Sec. 9. When the right of action or entry shall have Rights ac- accrued before the time when these amendments shall take crred before effect as laws, the same shall not be affected by these amend- amendments ments; but all such actions and rights shall be governed and become laws, determined according to the law under which the right accrued, in respect to the limitations of such actions or right of entry.
 Approved April 3, 1869.

[No. 127.]

AN ACT to amend sections one, two, three, four, five, six and thirteen, of chapter one hundred and twenty-six, of the revised statutes of 1846, entitled "Of certain liens upon real property," being sections numbered 5068, 5069, 5070, 5071, 5072, 5073 and 5080, of chapter 154, of compiled laws, entitled "Of the lien of mechanics and others."

SECTION 1. *The People of the State of Michigan enact,* That Sections sections one, two, three, four, five, six and thirteen, of chapter amended. one hundred and twenty-six, of the revised statutes of 1846, entitled "Of certain liens upon real property," being sections numbered 5068, 5069, 5070, 5071, 5072, 5073 and 5080, of chapter 154, of the compiled laws, entitled "Of the lien of mechanics and others," be amended so as to read as follows:

Lien Created.

(5068.) Sec. 1. Every person who shall by contract, express Lien upon or implied, with the owner or part owner, or lessee of any piece building of land, furnish labor or materials for constructing or repairing wharf, ma- any building, wharf, or appurtenances, or who shall construct, chinery, etc., repair, or put up any engine, machinery, or appurtenances upon and upon such land, shall have a lien therefor upon the said building, lands in cer- wharf, machinery, and appurtenances, and the entire interest of tain cases. said owner, part owner or lessee, in and to the said land, not exceeding one-quarter of a section, including such building, wharf, or machinery and appurtenances, or if said land is within the limits of an incorporated city or village, on the lot or lots on which said building, wharf, machinery, or appurtenances are

situated, in the manner hereinafter provided, for the amount that may be due, or to come due by virtue of said contract: *Provided*, That no lien created by virtue of this act shall exceed the interest of the contracting party.

Lien shall not attach unless contractor shall file certificate of copy of contract, etc.

(5069.) Sec. 2. Such lien shall not attach, unless the said contractor or some one in his behalf, shall make and file with the register of deeds of the county in which the lands shall lie, a certificate containing a copy of his contract, if the same is in his possession, and in writing, and if not, then a statement of the terms of said contract, as near as he can give the same, and a description of the piece or pieces, lot or lots of land on which said building, wharf, or machinery shall be or is to be constructed or put up, and a statement of the amount due and to become due on said contract, together with all the credits

Verification of certificate

the owner may be entitled to, as near as may be, which certificate shall be verified by the affidavit of the contractor or some

Record of.

one in his behalf, which said certificate shall be recorded and indexed by the register of deeds in the books for mortgage, the

Effect of copy of record.

same as if it were a mortgage given by the owners; and such record, or certified copy thereof, shall be notice and evidence to the same intent, extent, and for the same purpose as a mort-

Amount of lien.

gage so recorded; and the lien shall attach for the amount so claimed as due or to come due, with interest from the time of

Provide.

such record: *Provided*, That no lien created by virtue of this act shall be binding upon the owner, part owner or lessee, until he shall have been notified of the filing of such lien with the

Ibid.

register of deeds: *Provided further*, That in no case under this act shall any party be held by such lien for a greater amount than may be due, or to come due upon the contract at the time of receiving such notice.

When lien shall cease, unless proceedings commence.

(5070.) Sec. 3. The said lien shall cease at the expiration of six months from the time when the money due by the contract, or the last installment thereof, shall become due and payable, unless proceedings to enforce the lien shall have been commenced within the said six months.

Lien of Sub-contractors.

(5071.) Sec. 4. If such building, wharf, machinery, or appur-
 tenances is being, or shall have been erected, repaired, con-
 structed, or put up under a contract with the owner or part
 owner, then any sub-contractor, or other person who shall fur-
 nish labor or materials under contract with such original
 contractor, in or about such building, wharf, or machinery,
 shall have a lien on the land on which the same shall be situated,
 in the manner hereinafter provided, for the amount that may
 be due or to come due by virtue of said contract. Such
 lien shall not attach, unless the said sub-contractor, or some
 one in his behalf, shall make, sign, and verify by affidavit,
 a certificate containing the names of the parties to the original
 contract, and its terms so far as the affiant may know or have
 information of the same; and if the original copy is in writing,
 this may be done by a copy, or if recorded, by a reference to
 said recorded copy, giving the place of record; also, a descrip-
 tion of the land on which said building, wharf, or machinery is
 or will be situated when completed; also, the terms of said
 sub-contractor's contract with the original contractor; also, the
 amount due or to become due, by virtue thereof, as near as
 may be, over and above all credits the original contractor may be
 entitled to, which said certificate shall be recorded and indexed
 by the register of deeds for the county in which the land may
 be situated, in the book of mortgages, and a copy of said cer-
 tificate, or duplicate thereof, verified by affidavit, shall be deliv-
 ered to the owner of the land, if his residence is known; and
 when said certificate shall be so recorded and delivered, said
 sub-contractor shall be subrogated to, and shall be entitled to
 the rights of the original contractor, if his contract is recorded
 as hereinbefore prescribed, or to such rights as such original
 contractor would have been entitled to had his contract been
 properly made and recorded as hereinbefore provided, to the
 amount that may be then due or to become due on such origi-

When sub-
 contractor,
 etc., shall
 have a lien.

Lien not to
 attach unless
 certificate is
 recorded.

Copy of cer-
 tificate to
 owner of
 land.

Effect of
copy of re-
cord.

nal contract. The record of such certificate, or certified copy thereof, shall be notice and evidence to the same intent, extent, and for the same purpose as a mortgage so recorded; and such sub-contractor shall be entitled to take the proceedings hereinafter provided to enforce such lien.

Effect of Misstatement or Fraudulent Certificates.

Effect of in-
accuracy,
etc.

(5072.) Sec. 5. No inaccuracy in the certificate made by such contractor or sub-contractor hereinbefore provided, in relation to the description of the property, if the same is substantially described, or in stating the amount due or to come due, shall invalidate the lien. But if it shall appear that the person filing such certificate has willfully and fraudulently made any misstatements therein, it shall invalidate or dissolve any lien he has or might have by virtue thereof, and he shall be liable to any party injured for exemplary damages therefor.

Willful mis-
statement,
etc.

Petition.

When con-
tractor may
file petition
in chancery.

(5073.) Sec. 6. When, by the terms of such contract or contracts, any sum shall remain unpaid for sixty days after the same is payable, the contractor or sub-contractor may file his petition in the circuit court, in chancery, for the county in which the land may lie, either in term time or in vacation, for the enforcement of said lien, and the court, or judge of said court, may make such order for appearance, publication and answer as may be proper under the circumstances. The petition shall contain a brief statement of the contract or contracts, and of the amount due thereon, with a description of the premises which are subject to the lien, and all other material facts or circumstances, and shall pray for a sale or other disposition of the premises to satisfy the said lien. The said court, or judge thereof, shall proceed to hear the matter in a summary manner, either in term or in vacation, as shall be directed by said court or judge in each case, from time to time, and every act, matter, or thing which this chapter provides shall be done by the court, may be done by the judge thereof,

Contents of
petition.

Power of
court or
judge to hear
in term or
vacation.

in term or in vacation. Amendments to all proceedings and pleadings shall at all times be allowed for the furtherance of justice. If at any time during the progress of the proceedings, it shall appear that any person interested has not had sufficient notice of any of said proceedings, the court may order such further notice as may be considered just and effectual.

(5080.) Sec. 13. Upon final decree the court may order a sale of the buildings or machinery separate, or the lands, buildings, wharf, and machinery together, by the sheriff, circuit court commissioner, or receiver, or may order the property into the hands of a receiver to be leased or rented from time to time, under the direction of the court, until the liens shall be discharged, or make such other order or disposition of the premises as shall to right appertain. If, upon the coming in and confirmation of the final report, any portion of the liens shall still be unpaid, the court may enter judgment and decree for the same, and execution shall issue for the same, as upon other decrees or judgments of the court.

Approved April 3, 1869.

[No. 128.]

AN ACT to provide for the inspection of illuminating oils, manufactured from petroleum or coal oils.

SECTION 1. *The People of the State of Michigan enact, That* upon the application of five or more citizens of any county within this State, wherein any illuminating oils are manufactured and refined from petroleum or coal oils, for the purpose of burning the same in any kind of lamp, as an illuminator, or where the same, or a mixture of petroleum and coal oil is sold for that purpose, the judge of the circuit court within whose judicial district the said county is embraced, shall appoint a suitable person who is not interested in manufacturing, dealing, or vending any or either of said oils, whose duty it shall be to examine and test the quality of all petroleum or coal oils that

he shall be requested to examine and test by any manufacturer, refiner, vender or dealer; and if upon such testing or examination, the oils or fluids so tested shall meet the requirements hereinafter specified, he shall fix his brand or device, namely: "Approved," with the date, over his official signature, upon the package, barrel, or cask containing the same, and it shall be lawful for any manufacturer, vender or dealer, to sell the same as an illuminator; but if the oil so tested shall not meet said requirements, he shall mark, in plain letters, on said package, cask or barrel, over his official signature, the words "rejected for illuminating purposes," and it shall be unlawful for the owner thereof to sell said oil for illuminating purposes.

Inspector to provide instruments for testing.

What oil to reject.

Proviso.

Brand to designate temperature of ignition.

All oils to be inspected.

Penalty for making or selling, etc., before inspection.

Penalty for falsely branding, etc.

Sec. 2. It shall be the duty of the inspector to provide himself, at his own expense, with the necessary instruments and apparatus for testing the quality of said illuminating oils, and when called upon for that purpose, to promptly inspect all oils hereinafter mentioned, and to reject as dangerous, all petroleum or coal oils, which, at the temperature of one hundred and ten degrees, Fahrenheit's thermometer, will emit an explosive gas, or take fire on applying thereto or plunging therein a well-lighted match: *Provided*, The quantity of oil used in this test shall not be less than half a pint. And it shall be the duty of said inspector to designate by his brand, the temperature at which said oil will ignite.

Sec. 3. All illuminating oils manufactured or refined in this State, shall be inspected before removed from the manufactory or refinery. And if any person or persons, whether manufacturer, vender or dealer, shall sell, or attempt to sell to any person in this State, any illuminating oils, whether manufactured in this State or not, before having the same inspected as provided in this act, he shall be subject to a penalty in any sum not exceeding five hundred dollars; and if any manufacturer, vender or dealer of either or any of said illuminating oils, shall falsely brand the package, cask, or barrel containing the same, as provided in the first section of this act, or shall use packages, casks, or barrels having the inspector's brand

thereon, without having the oil inspected, he shall be subject to a penalty in any sum not exceeding five hundred nor less than one hundred dollars, or be imprisoned in the county jail not exceeding six months, or both, at the discretion of the court.

Sec. 4. The several inspectors provided for [in] this act are hereby empowered, if necessary to the convenient and prompt dispatch of their respective duties, to appoint a suitable number of deputies, for whose official acts they shall be accountable, which deputies are hereby empowered to perform the duties of inspection, and shall be liable to the same penalties as the inspector.

Sec. 5. Every person appointed inspector or deputy inspector shall, before he enters upon the discharge of the duties of his office, take an oath or affirmation to support the constitution of the United States and the State of Michigan, and to discharge the duties of inspector with fidelity. He shall also execute a bond to the State of Michigan, in such sum and with such surety as shall be approved by the judge of the circuit court where appointed, conditioned for the faithful performance of the duties imposed on him by this act, which bond shall be for the use of all persons aggrieved by the acts or neglect of said inspector; and the same shall be filed with the clerk of the county where the inspectors reside.

Sec. 6. The term of office of an inspector shall be for two years; and every inspector or deputy inspector shall, upon the requisition of any manufacturer, dealer, or vender of the oils herein mentioned, proceed without unnecessary delay to the inspection thereof; and said inspector shall be entitled to demand and receive from the owner or the party calling upon him, the sum of ten cents for each and every package, cask, or barrel inspected and branded by him; and it shall be the duty of every inspector to keep a true and accurate record of all oils so inspected and branded by him, and by his deputies, which record shall state the date of inspection, the number of gallons or barrels, and the name of the person for whom inspected,

Record open and the record shall be open to the inspection of any and all
 to inspection persons interested. And it shall be the duty of every deputy
 Deputy's re- return to in- inspector within four days after the inspection of any oils here-
 spector. inbefore mentioned by him, to make a true return thereof to his
 principal.

Inspector not to traffic. Sec. 7. No inspector or deputy inspector shall, while in office,
 traffic directly or indirectly in any article which he is appointed
 Penalty. to inspect. For the violation of this section, he shall be liable
 to a penalty not exceeding ten hundred dollars.

Approved April 3, 1869.

[No. 129.]

AN ACT to amend chapter fifty-one of the compiled laws, relating to the destruction of wolves, and other noxious animals, by adding a new section thereto, to stand as section thirteen of said chapter.

Section added. SECTION 1. *The People of the State of Michigan enact*, That chapter fifty-one of the compiled laws, relating to the destruction of wolves and other noxious animals, be amended by adding thereto a new section, to stand as section number thirteen, and to read as follows:

Pewer of town boards, relative to wolves, etc. Sec. 13. The township boards of the several townships of this State shall have power, at the expense of their respective townships, to award and allow such other bounties for the destruction of wolves, wolf-whelps, and such bounties for the destruction of panthers, and other noxious animals within their respective township, as the qualified electors of each shall have voted at the annual township meeting next preceding, and the same proof shall be required in such case as is hereinbefore prescribed; and such additional and other bounties, when duly allowed and certified, shall be paid out of the township treasury:
 How paid. *Provided*, That neither of the bounties provided for in this
 Previus. section shall exceed in amount the sum of two dollars.

Approved April 3, 1869.

[No. 130.]

AN ACT to provide for the sessions of the Board of State Auditors.

SECTION 1. *The People of the State of Michigan enact, That* Time of session. it shall be the duty of the Board of State Auditors to meet at nine o'clock, A. M., on the last Wednesday of each month, at the office of the Secretary of State, and to continue in session until the business placed before said board is disposed of.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 131.]

AN ACT to protect vineyards in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact, That* Penalty for entering, etc., at certain season. no person shall enter a vineyard in the State of Michigan, during the months of August, September and October, and eat or carry away any of the fruit of a vineyard, without the consent of the owner or occupant of the same, under a penalty of five dollars fine, or twenty days imprisonment in the county jail, or both, in the discretion of the court, for each offense committed.

Approved April 3, 1869.

[No. 132.]

AN ACT to establish the rate of fees to be charged by the Auditor General, for furnishing transcripts, lists, abstracts, and certificates.

SECTION 1. *The People of the State of Michigan enact, That* Fees for transcripts, etc., established. the Auditor General shall make or cause to be made, on proper application and for the benefit of the parties interested, transcripts of any papers or records on file in his office, upon payment by the applicant of the following fees:

For abstract of taxes on any description of land, three cents for each year covered by such abstract;

For abstract, with statement of name and residence of taxpayer, twelve cents per year for each description of land;

For list of State tax lands, or State bids, two cents for each description of land therein;

For one copy of any paper or document, at the rate of ten cents per one hundred words;

Proviso. For each certificate twenty-five cents: *Provided*, That in no case shall any abstract, list, or copy made as required by this act, be furnished for a less sum than twenty-five cents, and such fees when collected, shall be paid into the State treasury, and placed to the credit of the general fund.

Where paid.

Sec. 2. This act shall take immediate effect.

Approved April 8, 1869.

[No. 133.]

AN ACT in relation to the Michigan Reports deposited with the Secretary of State.

Preamble. *Whereas*, By the sixty-eighth section, of chapter ninety-five, of the revised statutes of eighteen hundred and forty-six, being section four thousand and thirty-eight of the compiled laws, two hundred copies of each volume of the reports of decisions of the Supreme Court are required to be deposited with the Secretary of State, and no provision is made by law regarding the settlement between the State and the reporter in respect to the said reports; therefore

Board of Auditors empowered to settle with reporters. SECTION 1. *The People of the State of Michigan enact*, That it be referred to the Board of State Auditors to settle with the several reporters in respect to the said two hundred copies of reports, with full power to act in the premises.

Sec. 2. This act shall take immediate effect.

Approved April 8, 1869.

[No. 134.]

AN ACT to authorize existing railroad companies to aid by subscription of stock, guaranteeing of bonds, or making running connections with any road constructed or to be constructed, under the general laws of this State.

SECTION 1. *The People of the State of Michigan enact, That* Existing railroad companies may aid by subscription, etc., other roads.
 it shall be competent for any existing railroad company in this State to aid by subscription of stock, by guaranteeing bonds, or making running and business arrangements, or in any other form which may be deemed expedient by its board of directors, in the construction of any road, or part of a road constructing, or to be constructed under the general laws of this State, and any company organized under the general laws of this State may avail itself of such aid, and to make it available may enter into such agreements as shall be deemed expedient by the board of directors of said companies; and when any company organized under the general law shall be unable to finish, or equip and operate its said road, or any section thereof, it may make arrangements with any other railroad company to equip, operate, manage, and work such road, or section thereof, upon such terms as may be deemed just and fair, and for such length of time as may be agreed upon by the board of directors of the two companies. Acceptance of aid, how made available. Arrangements may be made to equip, etc., road.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 135.]

AN ACT to amend section thirteen, of chapter fifty-eight, of the revised statutes of the year one thousand eight hundred and forty-six, the same being section two thousand two hundred and fifty-six, of the compiled laws, relative to primary schools.

SECTION 1. *The People of the State of Michigan enact, That* section amended.
 section thirteen, of chapter fifty-eight, of the revised statutes of eighteen hundred and forty-six, the same being section two

thousand two hundred and fifty-six, of the compiled laws, be and the [same] is hereby amended to read as follows:

Notices of annual or special meetings, what to contain.

Posting copies.

Notice, etc., of meeting to change site, etc.

Provided.

(2256.) Sec. 13. All notices of annual or special district meetings, after the first meeting has been held as aforesaid, shall specify the day and hour and place of meeting, and shall be given at least six days previous to such meeting, by posting up copies thereof in three of the most public places in the district; and in case of any special meeting called for the purpose of establishing or changing the site of a school-house, such notice shall be given at least ten days previous thereto: *Provided*, That when any of the district board shall receive a request to call a special meeting, as provided in the preceding section, he shall forthwith give notice, as above provided, of said meeting, which shall be called in not less than six nor more than twelve days from the time the said officer shall receive the notice aforesaid.

Approved April 8, 1869.

[No. 136.]

AN ACT relative to the organization and powers of fire and marine insurance companies transacting business within this State.

Formation of company.

SECTION 1. *The People of the State of Michigan enact*, That any number of persons, not less than seven, may associate together and form an incorporated company for either of the following purposes, to wit:

To make insurance on buildings, furniture, goods, etc.

First. To make insurance on dwelling houses, stores, and all kinds of buildings, and upon household furniture, goods, wares and merchandise, and any other property, against loss or damage by fire;

On vessels, freights, etc.

Second. To make insurance as aforesaid upon vessels, freights, goods, wares, merchandise and other property, against the risks of inland navigation and transportation.

Sec. 2. Any company organized under this act shall have power to effect re-insurance of any risks taken by them respectively. Power to re-insure.

Sec. 3. Such persons shall file in the office of the Secretary of State a declaration, signed by them, expressing their intention to form a company for the purpose of transacting the business of insurance, as expressed in the first section of this act, which declaration shall also comprise a copy of the articles of association proposed to be adopted by them, and shall publish a notice of such intention, once in each week, for at least six weeks, in a public newspaper in the county in which such insurance company is proposed to be located. Declaration of intention to form company, with copy of articles, filed with Secretary of State. Publication of notice.

Sec. 4. The articles of association shall set forth the name of the company; the place where the principal office for the transaction of its business shall be located; the mode and manner in which the corporate powers granted by this act are to be exercised; the mode and manner of electing trustees or directors, a majority of whom shall be citizens of this State; and of filling vacancies (but each director of a stock company shall be the owner in his own right of at least five hundred dollars' worth of the stock of such company, at its par value); the period for the commencement and termination of its fiscal year, and the amount of capital to be employed in the transaction of its business; and the Secretary of State shall have the right to reject any name or title of any company applied for, when he shall deem the name too similar to one already appropriated, or likely to mislead the public in any respect. Articles; contents of. Secretary of State may reject name.

Sec. 5. No company formed under this act shall, directly or indirectly, deal or trade in buying or selling any goods, wares, merchandise, or other commodities whatever, excepting such articles as may have been insured by such company, and are claimed to be damaged by fire or water. Prohibiting companies from dealing in goods, etc.

Sec. 6. The capital stock of any stock company organized under this act, shall not be less than one hundred thousand dollars, in shares of fifty dollars each, which capital stock may be increased by a vote of two-thirds of the stockholders, to not Stock companies; capital stock; amount required and how may be increased.

When mutual companies may commence business.

more than one million dollars; nor shall any company hereafter organized on the plan of mutual insurance, commence business in this State, until agreements have been entered into for insurance with at least two hundred applicants, the premiums upon which shall amount to not less than twenty-five thousand dollars, of which at least five thousand dollars shall have been paid in actual cash, and for the remainder of which notes of solvent parties, founded upon actual and *bona fide* application for insurance, shall have been received. No one of the notes received as aforesaid shall amount to more than five hundred dollars; and no two thereof shall be given for the same risk, or made by the same person or firm, except where the whole amount of such notes does not exceed the sum of five hundred dollars; nor shall any note be regarded or represented as capital stock unless a policy to be issued upon the same within thirty days after the organization of the company taking the same, upon a risk which shall be for no shorter period than twelve months. Each of said notes shall be payable, in whole or in part, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as may be necessary for transacting the business of said company. And no note shall be accepted as part of such capital stock unless the same shall be accompanied by a certificate of the [clerk of the] circuit court of the county in which the person executing such note shall reside, that the person making the same is, in his opinion, pecuniarily good, and responsible for the same in property not exempt from execution by the laws of this State; and no such note shall be surrendered while the policy for which it was given continues in force. But no company organized on the plan of mutual insurance, and insuring against any other risks mentioned in section one of this act, shall hereafter do any business, or take any risks, or make any insurance in any more than two counties in this State, which counties shall be contiguous, and which counties in the case of companies hereafter organized, shall be named and set forth in their articles of association, and in the

Notes, amount of each limited, etc.

When note regarded as capital stock

Notes payable when directors deem requisite.

When note to be accepted as capital stock.

When note not to be surrendered.

Mutual companies limited to two counties.

statement required by section three to be filed in the office of the Secretary of State. No fire insurance company organized under this act, or transacting business in this State, shall expose itself to any loss on any one fire or inland navigation risk, or hazard, to an amount exceeding ten per cent. of its paid up capital.

Sec. 7. It shall and may be lawful for the individuals associated for the purpose of organizing any company under this act, after having published the notice and filed their declaration and copy of their articles of association as required by the third section of this act, and also on filing in the office of the Secretary of State proof of such publication, by the affidavit of the publisher of such newspaper, his foreman or clerk, to open books for subscription to the capital stock of the company so intended to be organized, and to keep the same open until the full amount specified in the articles of association is subscribed; or, in case the business of such company is proposed to be conducted on the plan of mutual insurance, then to open books to receive propositions, and enter into agreements in the manner and to the extent specified in the sixth section of this act.

Sec. 8. It shall be lawful for any fire insurance company organized under this act, or incorporated under any law of this State, to invest its capital, and the funds accumulated in the course of its business, or any part thereof, in bonds and mortgages on unincumbered improved real estate within the State of Michigan, worth double the sum loaned thereon, exclusive of buildings, unless such buildings are insured and the policy transferred to said company; said mortgages shall not, however, be accounted a part of the capital stock of a company until they shall have been recorded agreeable to the provisions of law, and a certificate thereof from the register of deeds filed with the Secretary of State, together with an abstract of title of the lands therein mortgaged, and also a certificate of the register of deeds of the county in which the lands are located,

Companies limited to amount on any one risk.

Book of subscription when to be opened by proposed stock companies.

Mutual companies.

Capital and funds may be invested in bonds and mortgages of this State.

Mortgages to be recorded.

Certificate of register of deeds, etc., to be filed with Secretary of State

May also invest in bonds of United States, or county, or municipal bonds of this State.

that the same are worth at least double the amount loaned thereon; and also in the bonds of this State, or bonds or treasury notes of the United States, and also in the bonds of any county, municipality, or school district in this State authorized to be issued by law, and to lend the same or any part thereof, on the security of such bonds, or treasury notes, or upon bonds and mortgages as aforesaid, and to change and reinvest the same as occasion may from time to time require.

What real estate companies may purchase, etc.

Sec. 9. No company formed under this act shall purchase or hold any real estate, except—

First. Such as shall be necessary for its immediate accommodation in transacting business; or,

Second. Such as shall have been conveyed or mortgaged to the company in good faith, by way of security for debts; or,

Third. Such as shall have been conveyed to the company in satisfaction for debts; or,

How long certain real estate may be held.

Fourth. Such as shall have been purchased at sales, upon judgments, decrees, or mortgages in favor of such company, or held or owned by it. And all real estate obtained by virtue of any provisions of this section, except that mentioned in the first subdivision, shall be sold or disposed of within five years after the title has been perfected in such company, unless the company shall procure a certificate from the Secretary of State that the interest of said company will materially suffer by forced sale, in which event the sale may be postponed for such period as the said Secretary of State shall direct in said certificate, not to exceed ten years in all.

Attorney General to examine articles, etc., and certify to Secretary of State.

Sec. 10. The articles of association, and proof of publication herein required to be filed by every such company, shall be examined by the Attorney General, and if found conformable to this act, and not inconsistent with the constitution and laws of this State, shall be certified by him to the Secretary of State, who shall thereupon make an examination, or cause one to be made by some disinterested person officially appointed by him for that purpose; and if it shall be found (if the examination be made by other than the Secretary of State, then the finding

Secretary of State to make examination, etc. Certificate of result.

shall be certified under oath) that the capital herein required of the company named, according to the nature of the business proposed to be transacted by such company has been paid in, and that it is possessed of such securities as is required by the eighth section of this act, then he shall so certify; and if the examination be made by other than the Secretary of State, then the finding shall be certified under oath, or if it is proposed to be a mutual insurance company, that it has received and is in actual possession of the capital, premiums, or *bona fide* engagements of insurance or other securities, as the case may be, to the extent and value required by the sixth section of this act. The name and residence of the maker of each premium note forming part of the capital of any such proposed mutual insurance company, and the amount of such note, shall be returned to the Secretary of State. The incorporators or officers of any such company or proposed company, contemplated by this act, shall be required to certify under oath to the Secretary of State that the capital exhibited to the person making the examination directed in this section, was *bona fide* property of the company so examined. Such certificates shall be filed in the office of the said Secretary of State, who shall thereupon deliver to such company a certified copy of the articles of association, and of said certificates, which, on being filed in the office of the clerk of the county where the company is to be located, shall be their authority to commence business and issue policies; and such certified copy of the articles of association, and of said certificates, may be used in evidence for or against said company, with the same effect as the originals.

If a mutual company.

Return of name, etc., of maker of premium note.

Certificate of incorporators to Secretary of State.

Authority to commence business.

Effect of certified copies.

Sec. 11. The incorporators, or the trustees or directors, as the case may be, of any company organized under this act, shall have power to make such by-laws, not inconsistent with their articles of association or with the constitution or laws of this State, as may be deemed necessary for the government of its officers and the conduct of its affairs, and the same, when necessary, to alter and amend; and they and their successors may have a Seal.

By-laws; power of trustees or directors to make or amend.

common seal, and may change and alter the same at their pleasure.

Dividend to be made only from surplus profits.

Reservation to be made in estimating profits.

Proviso.

Penalty for improperly declaring dividends.

Notes to remain as security.

Sec. 12. It shall not be lawful for the directors, trustees, or managers of any fire insurance company to make any dividend, except from the surplus profits arising from their business; and in estimating such profits, there shall be reserved therefrom a sum equal to the whole amount of premiums on unexpired risks and policies, which are hereby declared to be unearned premiums; and also there shall be reserved all sums due the corporation on bonds and mortgages, bonds, stocks, and book accounts, of which no part of the principal or the interest thereon has been paid during the last year, and for which foreclosure or suit has not been commenced for collection, or which, after judgment obtained thereon, shall have remained more than two years unsatisfied, and on which interest shall not have been paid, and also there shall be reserved all interest due or accrued and remaining unpaid: *Provided always*, That any company may declare dividends not exceeding ten per cent. on its capital stock, in any one year, that shall have accumulated and be in possession of a fund, in addition to the amount of its capital stock, and of such dividend, and all outstanding liabilities, equal to one-half of the amount of all premiums on risks not terminated at the time of making such dividend. Any dividend made contrary to these provisions, shall subject the company making the same to a forfeiture of its corporate rights, and each stockholder receiving it to a liability to the creditors of such company, to the extent of the dividend received, in addition to the other penalties and punishments in such case made and provided.

Sec. 13. All notes deposited with any mutual insurance company at the time of its organization, as provided in section six, shall remain as security for all losses and claims until the accumulation of the profits, invested as required by the eighth section of this act, shall equal the amount of cash capital required to be possessed by stock companies organized under this act; but any note which may have been deposited with any

mutual insurance company subsequent to its organization, in addition to the cash premium on any insurance effected with such company, may, at the expiration of the time of such insurance, be relinquished and given up to the maker thereof, or his representative, upon his paying his proportion of all losses and expenses which may have accrued thereon during such term; and all such premium notes shall be a lien upon the premises insured to the amount of principal and interest due thereon. The directors or trustees of any such company shall have the right to determine the amount of the note to be given in addition to the cash premium by any person insured in such company; but in no case shall the note be more than five times the whole amount of the cash premium. And every person effecting insurance in any mutual company, and also their heirs, executors, administrators and assigns, continuing to be so insured, shall thereby become members of said corporation during the period of insurance, and shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposit note or notes. The directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective portion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the officers of the company within thirty days next after the publication of said notice. And if any member shall, for the space of thirty days after the publication of said notice, and after personal demand for payment shall have been made, neglect or refuse to pay the sum assessed upon him as his proportion of any loss, as aforesaid, in such case the directors may sue for and recover the whole amount of

When note may be given up.

Directors to determine amount of note to be given.

Persons insuring in mutual companies thereby become members.

Directors to determine sums to be paid by members, and publish same.

When members may be sued.

his deposit note or notes, with costs of suit; but execution shall only issue for assessments and costs as they accrue, and every such execution shall be accompanied by a list of the losses for which the assessment is made. If the whole amount of deposit notes shall be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by the said company shall receive, towards making good their respective losses, a proportional share of the whole amount of said notes, according to the sums by them respectively insured; but no member shall ever be required to pay for any loss occasioned by fire, more than the whole amount of his deposit note.

When amount of notes is insufficient to pay loss.

Mutual and stock companies to be so designated

Sec. 14. Every insurance company hereafter organized under this act shall, if it be a mutual company, embody the word "mutual" in its title, which shall appear on the first page of every policy and renewal receipt; and every company doing business as a cash stock company shall, upon the face of its policy, in some suitable manner, express that such policy is a stock policy.

Corporation may maintain suits against members, and stockholders and members, etc., against company.

Sec. 15. Suits at law may be maintained by any corporation formed under this act, against any of its members or stockholders, for any cause relating to the business of such corporation; also, suits at law may be prosecuted and maintained by any member or stockholder against such corporation for any losses which may have accrued, if payment is withheld more than sixty days after such losses may have become due.

Trustees and corporators jointly and severally liable.

Sec. 16. The trustees and corporators of any company organized under this act, shall be jointly and severally liable for all debts or responsibilities of such company, until the whole amount of the capital of such company shall have been paid in and a certificate thereof recorded, as hereinbefore provided. Notes taken in advance of premiums under this act, are not to be considered debts of the company in determining whether a company is insolvent, but are to be regarded as assets of the company.

Notes in advance of premiums; how regarded.

Capital stock; how increased.

Sec. 17. Any existing fire insurance company, and any company formed under this law, may at any time increase the

amount of its capital stock, after notice given once a week for six weeks in a newspaper published in the county where such company is located, of such intentions, with the written consent of three-fourths, in amount, of its stockholders, unless otherwise provided in its articles of association; or if a mutual company, with the unanimous consent of its trustees, unless otherwise provided in its articles of association, by altering or amending such articles of association in this respect, and filing a copy thereof, so amended, together with a declaration under its corporate seal, if it have any, signed by its president and directors, of their desire so to do, with such written consent of three-fourths, in amount, of its stockholders, or the unanimous consent of the trustees, as aforesaid, to such increase, in the office of the Secretary of State, and upon the same proceedings being had as are required by the tenth section of this act.

Sec. 18. Such companies as may have been organized under the "Act to provide for the incorporation of insurance companies, and defining their powers and duties," approved February 15, 1859, and the acts amendatory thereof, are hereby brought under all the provisions of this act, except that their capitals may continue of the amounts named in their respective articles of association during the existing term thereof, and except as provided in section thirty-seven of this act.

Sec. 19. All companies organized under this act shall be deemed and taken to be bodies corporate and politic, in fact and in name, and shall be subject to all the provisions of the compiled laws in relation to corporations, so far as the same are applicable.

Sec. 20. It shall be the duty of the president, or vice president and secretary of each stock company organized under this act, or under any law of this State, annually, on the first day of January, or within one month thereafter, to prepare, under their own oath, and deposit in the office of the Secretary of State, a statement of the condition of such company on the

thirty-first day of December then next preceding, exhibiting the following facts and items, in the following form, namely:

Contents.

First. The amount of the capital stock of the company.

Second. The property or assets held by the company, specifying—

1. The value, as nearly as may be, of the real estate held by such company;

2. The amount of cash on hand and deposited in banks to the credit of the company, specifying in what banks the same are deposited;

3. The amount of cash in the hands of agents and in course of transmission;

4. The amount of loans secured by bonds, and mortgages constituting the first lien on real estate, on which there shall be less than one year's interest due or owing;

5. The amount of loans on which interest shall not have been paid within one year previous to such statement;

6. The amount due the company on which judgments have been obtained;

7. The amount of bonds of this State, of the United States, and of any other bonds owned by the company, specifying the amount, number of, and par and market value of each kind;

8. The amount of bonds held thereby as collateral security for loans, with the amount loaned on each kind, its par value and the market value;

9. The amount of accrued interest not due;

10. The amount of interest actually due and unpaid;

11. Amount due from agents;

12. The amount due for premiums;

13. The amount of all other loans and securities;

14. The amount of all other property and investments of the company.

Third. The liabilities of such company, specifying—

1. The amount of losses due and yet unpaid;

2. The amount of claims for losses resisted by the company;

3. The amount of losses incurred during the year, including

those claimed and not yet due, and of those reported to the company, upon which no action has been taken;

4. The amount of dividends declared and due, and remaining unpaid;

5. The amount of dividends, either cash or scrip, declared but not yet due;

6. The amount of money borrowed, and security given for the payment thereof;

7. The amount of unearned premiums;

8. The amount of all other existing claims against the company.

Fourth. The income of the company during the preceding year, specifying—

1. The amount of cash premiums [received,] and whether the same shall have been received for fire or marine insurance, and the amount of each class;

2. The amount of interest money received;

3. The amount of income received from other sources.

Fifth. The expenditures during the preceding year, specifying—

1. The amount of losses paid during the year, stating how much of the same accrued prior and how much subsequent to the date of the preceding statement, and the amount at which such losses were estimated in such preceding statement;

2. The amount of dividends paid during the year;

3. The amount of expenses paid during the year, including commissions and fees to agents and officers of the company;

4. The amount paid in taxes;

5. The amount of all other payments and expenditures;

If it be a mutual company, such report shall state and show—

1. The whole number of members belonging thereto;

2. The number of new members that have been added thereto during the year;

3. The amount of property insured during the year, and the whole amount then at risk;

4. The amount of premium or deposit notes taken during the year, and the whole amount of such notes then in force and held by the company;

5. The amount of cash premiums received during the year, and the total amount of such premiums then belonging to the company, and what amount of the same is in actual cash on hand;

6. The amount of assessments levied upon the members during the year;

7. The rate per cent. of such assessments on the property insured, and the rate per cent. of such assessments on the premium or deposit notes, or other obligations upon which the assessments are made;

8. The amount collected and paid in on assessments made during the year, and what amount has been collected on assessments levied prior to that year, and the gross amount of assessments then outstanding and not canceled by the board of directors, the gross amount re-assessed for assessments not paid;

9. The amount of losses paid during the year;

10. The amount of salary and fees paid to each officer and director, and to whom paid;

11. The items and amount of all other expenses paid during the year;

12. The amount of all claims for losses, and other debts existing against the company, showing what amount of claims and losses is then due and payable, what amount has not matured according to the terms of the contract, what amount is resisted for any cause, of [or] for which the company do not consider themselves legally liable. The statement herein provided for, shall be in lieu of any or all statements now required by any existing law.

Secretary of
State may ad-
dress in-
quiries to com-
panies.

Sec. 21. The Secretary of State is hereby authorized and empowered to address any inquiries to any insurance company or the secretary thereof, in relation to its doings or condition, or any other matter connected with its transactions, and it

shall be the duty of any company so addressed to promptly reply in writing to any such inquiries. Every fire insurance company organized under any law of this State, failing to make and deposit such statements, or to reply to any inquiry of the said Secretary of State, shall be subject to the penalty of five hundred dollars, and an additional five hundred dollars for every month that such company shall continue thereafter to transact any business of insurance.

Penalties for making false statement, etc., and for transacting business after such failure.

Sec. 22. It shall be the duty of the Secretary of State to cause to be prepared and furnished to each of the companies, and to the attorneys of companies incorporated by other States and foreign governments, printed forms of the statements required by this act; and he may, from time to time, make such changes in the form of such statements as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated. It shall be the duty of the Secretary of State to cause the information contained in the statements required by this act to be arranged in a tabular form, and prepare the same in a single document for printing, which he shall communicate to the Legislature.

Secretary of State to furnish forms of statement.

Forms may be changed.

Secretary of State to arrange and communicate information to Legislature.

Sec. 23. It shall not be lawful for any fire insurance company, association, or partnership incorporated by or organized under the laws of any other State of the United States, or any foreign government, directly or indirectly, to take risks or transact any business of insurance in this State, unless possessed of the amount of actual capital required of similar companies formed under the provisions of this act; and any such company desiring to transact any such business as aforesaid, by an agent or agents in this State, shall first appoint an attorney in this State on whom process of law can be served, which process shall issue from the courts of this State, and such courts shall have exclusive jurisdiction of all cases arising under this act, and shall file in the office of the Secretary of State a certified copy of the vote or resolution of the directors appointing such attorney, which appointment shall continue until another

Foreign corporations to comply with certain provisions before they take risks, etc.

Attorney to be appointed on whom process can be served.

Process to be served upon agent last designated. attorney be substituted; and in case any such insurance company shall cease to transact business in this State according to the laws thereof, the agent last designated, or acting as such for such corporation, shall be deemed to continue agent for such corporation for the purpose of serving process for commencing actions upon any policy or liability issued or contracted while such corporation transacted business in this State; and service of such process for the causes aforesaid upon any such agent shall be deemed a valid personal service upon such corporation.

Certified copy of the charter, etc., to be filed. And shall also file a certified copy of their charter, or deed of settlement, together with a statement under the oath of the president or vice-president and other chief officer, and secretary of the company for which he or they may act, stating the name of the company and place where located; the amount of its capital, with a detailed statement of its assets, showing the amount of cash on hand, in bank, or in the hands of agents; the amount of real estate, and how much the same is encumbered by mortgage; the number of shares of stock of every kind owned by the company, the par or market value of the same; amount loaned on bond and mortgage; the amount loaned on other security, stating the kind, and the amount loaned on each, and the estimated value of the whole amount of such securities; any other assets or property of the company; also stating the indebtedness of the company, the amount of losses adjusted and unpaid, the amount incurred and in process of adjustment; the amount resisted by the company as illegal and fraudulent, and any other claims existing against the company; also a copy of the last annual report, if any, made under any law of the State by which such company was incorporated; and no agent shall be allowed to transact business for any company whose capital is impaired to the extent of five per cent. thereof, while such deficiency shall continue; nor shall it be lawful for any agent or agents to act for any company or companies referred to in this section, directly or indirectly, in taking risks or transacting the business of fire, or inland navigation insurance in this

Contents of statement.

Copy of last annual report to be filed.

Capital to be unimpaired.

Agents to procure certificate of authority from Secretary of State.

State, without procuring from the Secretary of State a certificate of authority, stating that such company has complied with all the requisitions of this act which apply to such companies, and the name of the attorney appointed to act for the company; a certified copy of such certificate of authority, with statement, must be filed by the agent in the office of the clerk of every county where such company has agents, and shall be published in some paper of general circulation in the State, four successive times after the filing of such statement as aforesaid, and within thirty days thereafter proof of such publication, by the affidavit of the publisher of such newspaper, his foreman or clerk, shall be filed in the office of the said Secretary of State. The statements and evidences of investments required by this section shall be renewed from year to year, in such manner and form as may be required by said Secretary of State, with an additional statement of the amount of premiums received and losses incurred upon fire and marine risks separately, in this State, during the preceding year, so long as such agency continues; and the said Secretary of State, on being satisfied that the capital, securities, and investments remain secure, as hereinbefore provided, shall furnish a renewal of his certificate as aforesaid; and the agent or agents obtaining said certificate shall file a certified copy of the same in the office of the clerk of the county in which such agency shall be established, within the month of January. Any violation of any of the provisions of this section shall subject the party violating to a penalty of five hundred dollars for each violation, and of the additional sum of one hundred dollars for each month during which any such agent shall neglect to make such publication, or to file such affidavits and statements as are herein required. Every agent of any fire insurance company shall, in all advertisements of such agency, publish the location of the company, giving the name of the city, town, or village in which the company is located, and the State or government under the laws of which it is organized. The term agent or agents used in this section, shall include an acknowledged agent or surveyor, or any other

Filing copy of same, etc., with county clerk.

Publication; proof of.

Renewal of annual statements.

Also statement of premiums and losses.

Renewal of certificate; filing of same.

Penalty for violating provisions of this section.

Advertisements by agents to contain location, etc., of company.

Term agent; who included.

Application
of provisions
of this sec-
tion.

person or persons who shall in any manner aid in transacting the insurance business of any insurance company not incorporated by the laws of this State. The provisions of this section shall apply to all foreign insurance companies, partnerships, associations and individuals, whether incorporated or not.

Foreign
companies to
make annual
statements.

Sec. 24. All foreign insurance companies, associations, corporations, partnerships, and individuals transacting the business of fire and marine, or life insurance, or any other kind of insurance in this State, shall make annual statements of their condition and affairs to the Secretary of State, in the same manner, and in the same form as similar companies organized under the laws of this State.

Penalties for
neglect.

Sec. 25. In case of neglect or refusal to make such annual statements as aforesaid, all persons acting in this State as agents or otherwise in transacting the business of insurance for said companies, corporations, associations, partnerships or individuals, shall be subject to the same penalties provided by law in case of the failure of any insurance company organized under the laws of this State to make an annual statement as now provided by law.

Secretary of
State to
make semi-
annual ex-
amination of
companies.

Sec. 26. It shall be the duty of the Secretary of State, as often as once in six months, to appoint one or more persons, not officers of any fire insurance company doing business in this State, to examine into the affairs of any fire insurance company incorporated in this State, and whenever he shall deem it expedient so to do, to examine into the affairs of any such company doing business by its agents in this State; and it shall be the duty of the officers or agents of any such company doing business in this State, to cause their books to be opened for the inspection of the person or persons so appointed, and otherwise to facilitate such examination so far as it may be in their power to do; and for that purpose the said Secretary of State, or person or persons so appointed by him, shall have power to examine, under oath, the officers and agents of any company

Books to be
opened for
inspection,
etc.

Power to ex-
amine under
oath.

relative to the standing and condition of said company; and whenever the said Secretary of State shall deem it for the interest of the public so to do, he shall publish the result of such investigation in one or more papers in this State; and whenever it shall appear to the said Secretary of State, from such examination, that the assets of any company incorporated in this State are [in]sufficient to justify the continuance in business of any such company, he may direct the officer thereof to require the stockholders to pay in the amount of such deficiency within such period as he may designate in such requisition, or he shall communicate the fact to the Attorney General, whose duty it shall then be to apply to the Supreme Court, or if in vacation, to one of the judges thereof, for an order requiring them to show cause why the business of such company should not be closed, and the court or judge shall thereupon proceed to hear the allegations and proofs of the respective parties; and in case it shall appear to the satisfaction of said court on the hearing of such proofs, or on the report of such judge, that the assets and funds of said company are not sufficient, as aforesaid, or that for any other cause such company is not entitled to transact business in this State, the said court shall decree a dissolution of said company and a distribution of its effects. The said court shall have power to refer the application of the Attorney General to a referee, to inquire into and report upon the facts stated therein.

May publish result.

When may direct officers to require stockholders to pay deficiency.

When Attorney General to apply to Supreme Court to dissolve company.

Court may refer application to referee.

Sec. 27. Any company receiving the aforesaid requisition from the said Secretary of State, shall forthwith call upon its stockholders for such amounts as will make its capital equal to the amount fixed by the charter of said company; and in case any stockholder of such company shall refuse or neglect to pay the amount so called for, after notice personally given or by advertisement, in such time and manner as the said Secretary of State shall approve, it shall be lawful for the said company to require the return of the original certificate of stock held by such stockholder, and in lieu thereof to issue new certificates for such number of shares as the said stockholder may be en-

When calls to be made upon stockholders.

Action had on refusal of stockholders to pay amt called for.

When company to require return of original, and issue new certificates of stock.

Directors
may create
new stock.

titled to in the proportion that the ascertained value of the funds of the said company may be found to bear to the original capital of the said company; the value of such shares, for which new certificates shall be issued, to be ascertained under the direction of the said Secretary of State, and the company paying for the fractional parts of shares; and it shall be lawful for the directors of such company to create new stock and dispose of the same, and to issue new certificates therefor, to an amount sufficient to make up the original capital of the company.

When di-
rectors indi-
vidually
liable.

Sec. 28. And it is hereby declared that in the event of any additional losses accruing upon new risks, taken after the expiration of the period limited by the said Secretary of State in the aforesaid requisition for the filling up of the deficiency in the capital of such company, and before said deficiency shall have been made up, the directors shall be individually liable to the extent thereof. And if, upon such examination, it shall ap-

When direct-
ors or trus-
tees of mu-
tual compa-
nies person-
ally liable for
losses.

pear to the said Secretary of State that the assets of any company chartered on the plan of mutual insurance under this act are insufficient to justify the continuance of such company in business, it shall be his duty to proceed in relation to such company in the same manner as is herein required in regard to joint stock companies; and the trustees or directors of such company are hereby made personally liable for any losses which may be sustained upon risks taken after the expiration of the period limited by the said Secretary of State for filling up the deficiency in the capital, and before such deficiency shall have been made up. Any transfer of the stock of any company

Transfer of
stock during
investigation
not to release
from liability
the party
making
transfer.

When Secre-
tary of State
may revoke
certificates
granted in
behalf of
foreign com-
panies.

organized under this act, made during the pending of any such investigation, shall not release the party making the transfer from his liability for losses which may have accrued previous to the transfer. And whenever it shall appear to the said Secretary of State that the affairs of any company not incorporated by the laws of this State are in an unsound condition, he shall revoke the certificates granted in behalf of such company, and shall cause a notification thereof to be published in some paper

of general circulation in this State for four weeks; and the agent or agents of such company are, after such notice, required to discontinue the issuing of any new policy, and the renewal of any previously issued.

Sec. 29. Every penalty provided for by this act, shall be sued for and recovered in the name of the people, by the prosecuting attorney of the county in which the company or the agent or agents so violating shall be situated; said penalty, when recovered, shall be paid into the treasury of said county; and in the case of the non-payment of such penalty, the party so offending shall be liable to imprisonment for a period not exceeding six months, in the discretion of any court having cognizance thereof. Such penalties may also be sued for and recovered in the name of the people, by the Attorney General, and when sued for and collected by him, shall be paid into the State treasury.

Penalties to be sued for by prosecuting attorney.

To be paid into county treasury.

Attorney General may also sue for penalties.

Sec. 30. All companies incorporated under this act may provide, in their articles of association, for not more than thirty years' duration; but the Legislature may at any time alter, amend or repeal this act, and provide for the closing up of the business and affairs of any company formed under it.

Duration of charter.

Power of Legislature to amend, etc.

Sec. 31. Every county clerk shall demand and receive for every paper filed in his office, under this act, the sum of twenty-five cents.

Fees to county clerks.

Sec. 32. The necessary expenditures of any examination made or ordered to be made by the Secretary of State under this act, shall be certified to by him, and paid on his requisition, by the company which is the subject of such examination, not exceeding five dollars per day and expenses: *Provided*, Such examination be not required of companies organized outside of this State, doing business in States where an insurance department is established, and who furnish, whenever required to do so by the Secretary of State, a certificate of such insurance department exhibiting the solvency of such company.

Expenses of examination; how paid.

Proviso.

Mutual and stock companies confined to mutual and stock plans, respectively.

Sec. 33. It shall not be lawful for any company organized upon the mutual plan to do business and take risks upon the stock plan, neither for a company organized as a stock company to do business upon the plan of a mutual insurance company.

Specific tax upon foreign companies authorized.

Sec. 34. Any fire insurance company, association, or partnership incorporated by or organized under the laws of any other State, or any foreign government, doing business within this State, shall, as a condition precedent to the renewal of an annual certificate by the Secretary of State, make and file in the office of the State Treasurer, annually, in the month of January of each year, on oath or affirmation, a statement of the number of policies issued in the State of Michigan, and the amount of premiums received or secured thereon, during the year then terminated, and shall pay into the hands of the State Treasurer a specific tax of three per cent. on the gross amount of all premiums received in money or securities during the said year, which said specific tax may be recovered in any court at the suit of this State, and shall be and hereby is appropriated to the same uses and purposes as the specific tax on other corporations are or hereafter may be; and it shall be the duty of the State Treasurer to give his receipt for all moneys paid into the State treasury under the provisions of this act.

How tax recovered and appropriated

State Treasurer to give receipt.

When all companies to conform to provisions of this act.

Sec. 35. Every insurance company organized under the laws of, or doing business in this State, shall conform to all the provisions of this act applicable thereto, on or before the thirty-first day of January, 1870, and when necessary, any existing company shall change its articles of association and by-laws, so as to conform hereto, by a vote of a majority of its board of directors; and any president, secretary, or other officer of any company organized under the laws of Michigan, or any officer, agent or person doing, or attempting to do business in this State, for any insurance company organized without this State, failing to comply with any of the requirements of this act, or violating any of the provisions thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined

Penalties for non-compliance with requirements of this act.

in a sum not exceeding one thousand dollars, and be imprisoned in the county jail for a period of not less than thirty days nor more than six months.

Sec. 36. If any stock company, or any company organized under the plan of mutual insurance under this act, or the act of [or] acts of which this is amendatory, shall, by means of any advertisement, notice, or statement printed in any newspaper, or by means of any written or printed, or partly written and partly printed notice, circular or hand-bill, or by any agent, or other person acting for said company, or by other means falsely represent, publish, or hold out to the public that the capital stock of such company, or the stock or guarantee capital of any such mutual company is greater, or of a larger amount than the actual cash market value of such capital stock, or guarantee capital, every director, officer, or agent of such company guilty of any participation therein shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished as provided in section thirty-five of this act; and if any such company, after any such false statement or representation, notice, advertisement, or circular shall have been given out, circulated or published, shall receive any money, note, or obligation for the payment of money from any person, as a consideration for any insurance made, or policy issued or to be issued by such company, [the] directors, officers or agents of such company shall be deemed to have obtained such money, note or obligation by false pretenses, designedly, with intent to defraud or cheat the person paying such consideration, and shall be punished the same as persons guilty of obtaining property or money by false pretenses designedly, with intent to defraud or cheat another, and shall also be liable in damages to the person from whom the money, note, or obligation was obtained, in an action in the case for double the amount of the money, and note or obligation so obtained, and shall also be jointly and severally liable to the person insured, to pay all losses covered by such insurance: *Provided*, That the said company may proceed with its business, receiving money, issuing policies, whenever the circuit

False representations of amount of capital stock; penalties therefor.

Money, note, etc., received after such false statement, shall be deemed obtained by false pretenses.

Proviso.

judge for the judicial circuit where the office of said company is located shall certify from proof adduced before him, either that such publication was by mistake, or that the directors, officers, or agents making the same have been dismissed from the service of the said company, and whenever, also, the said company shall publish such true statement of its affairs as the said circuit judge shall direct.

Farmers' mutual insurance companies, which insure farm buildings solely, not subject to this act.

Sec. 37. The provisions of this act shall not apply to farmers' mutual insurance companies, which insure farm buildings and contents solely, as now organized, or that may hereafter be organized under act No. 262, of session laws of 1859, and the acts amendatory thereof relative to insurance companies, but such companies shall continue to be subject to the provisions of act No. 262, of the laws of 1859, approved February 15, 1859, entitled an act for the incorporation of insurance companies, and defining their powers and duties, and the acts amendatory thereof.

Penalty for false swearing.

Sec. 38. Any persons required by the provisions of this act to take any oath or affirmation, who shall make any false oath or affirmation, shall be deemed guilty of perjury.

Acts repealed.

Sec. 39. All acts or parts of acts, inconsistent herewith, are hereby repealed.

Approved April 3, 1869.

[No. 137.]

AN ACT to amend section four, of act number thirty-five, of the session laws of eighteen hundred and sixty-seven, entitled "An act to provide for the formation of street railway companies," approved March fifth, eighteen hundred and sixty-seven.

Section amended.

SECTION 1. *The People of the State of Michigan enact, That* section four, of act number thirty-five, of the session laws of the year one thousand eight hundred and sixty-seven, entitled "An act to provide for the formation of street railway companies," approved March fifth, in the year one thousand eight

hundred and sixty-seven, be and the same is hereby amended to read as follows:

Sec. 4. Said articles of association may be filed in the office of the Secretary of State; and thereupon all persons who have subscribed the same, and all persons who shall from time to time become stockholders in such company, shall be a body politic and corporate, by the name specified in such articles, and by such name shall be capable of suing and being sued in any court of this State, and may have a common seal, and may alter and change the same at pleasure. A copy of any articles of association, filed in pursuance of this act, and certified by the Secretary of State to be a true copy thereof, and of the whole of such articles of association, shall be in all courts and places, presumptive evidence of the incorporation of such company, and of the facts therein stated: *Provided*, That such articles shall not be filed in the office of the Secretary of State, as aforesaid, until stock to the amount of twenty-five thousand dollars has been subscribed thereto, nor until twenty-five per cent. of the amount of the stock subscribed, as aforesaid, shall have been actually paid in cash, to the directors named in such articles, nor until there is annexed thereto an affidavit, made by at least three of the directors named in said articles, that the amount of stock required by this section, to wit: twenty-five thousand dollars has been subscribed, and that twenty-five per cent. on the amount has been actually paid in.

Articles filed
with Secretary
of State.

Body politic,
etc.

Seal.

Effect of
certified
copy of arti-
cles.

Proviso.

Approved April 3, 1869.

[No. 138.]

AN ACT to amend section fifty-two, of act number one hundred and thirty-five, of the laws of eighteen hundred and fifty-seven, approved February sixteenth, eighteen hundred and fifty-seven, being an act to authorize the business of banking.

SECTION 1. *The People of the State of Michigan enact*, That section fifty-two, of act number one hundred and thirty-five, of the

Section
amended.

laws of one thousand eight hundred and fifty-seven, be and is hereby amended so as to read as follows:

Taxation of
real estate
owned by
banks au-
thorized.

Sec. 52. All real estate owned by such bank, association, or individual banker, may be taxed as other real estate in the city, village, or township where the same may be situate, and shall

Fee to State
Treasurer for
bills counter-
signed, etc.

also pay to the State Treasurer twenty-five cents, for the use of the State, for every one hundred bills or notes countersigned and registered by said treasurer or register, as required by this act.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 139.]

AN ACT to repeal sections one, two, three and four, of chapter eighteen, being sections nine hundred and forty-eight, nine hundred and forty-nine, nine hundred and fifty, and nine hundred and fifty-one, of the compiled laws; also, act number one hundred and twenty-two, of the laws of eighteen hundred and sixty-seven, entitled an act to tax banking associations organized under the laws of the United States, approved March twenty-seventh, eighteen hundred and sixty-seven, relative to certain taxes.

Sections
repealed.

SECTION 1. *The People of the State of Michigan enact, That* sections one, two, three and four, of chapter eighteen, being sections nine hundred and forty-eight, nine hundred and forty-nine, nine hundred and fifty, and nine hundred and fifty-one of the compiled laws; also, act number one hundred and twenty-two, of the laws of eighteen hundred and sixty-seven, entitled "An act to tax banking associations organized under the laws of the United States, approved March twenty-seventh, eighteen hundred and sixty-seven," be and are hereby repealed.

Act repealed.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 140.]

AN ACT to amend sections one hundred, one hundred and two, one hundred and three, one hundred and five and one hundred and six, of the revised statutes of eighteen hundred and forty-six, being sections four hundred and forty-eight, four hundred and fifty, four hundred and fifty-one, four hundred and fifty-three, and four hundred and fifty-four of the compiled laws, relating to the duties and compensation of county surveyors, and to repeal act number two hundred and sixty, of session laws of eighteen hundred and sixty-one, entitled "An act to amend chapter ten of the compiled laws, in relation to certain duties and compensation of county surveyors," approved March sixteenth, eighteen hundred and sixty-one, and to repeal act number one hundred and eight, of session laws of eighteen hundred and sixty-seven, entitled an act to amend section one hundred and six, of chapter ten, being section four hundred and fifty-four of the compiled laws, touching the compensation of county surveyors, approved March twenty-sixth, eighteen hundred and sixty-seven.

SECTION 1. *The People of the State of Michigan enact, That* Sections amended.
 sections one hundred, one hundred and two, one hundred and three, one hundred and five, and one hundred and six of the revised statutes of eighteen hundred and forty-six, being sections four hundred and forty-eight, four hundred and fifty, four hundred and fifty-one, four hundred and fifty-three, and four hundred and fifty-four of the compiled laws, relating to the duties and compensation of county surveyors, be and the same are hereby amended so as to read as follows:

(448.) Sec. 100. Each county surveyor shall record in a suitable book, to be provided by him at the expense of the county, all surveys made by him and his deputies, except such as are made for a temporary purpose, and surveys of township highways and village plats. The record book shall be constituted so as to have the left page for diagrams, to be numbered progressively, and the right page for notes and remarks; and no diagram shall be constructed to scale less than one inch to twenty chains. The courses and distances of all lines run and the number of acres contained in each piece of land surveyed, shall be entered on the diagram of a section, subdivided ac-

What surveys to be recorded.

Record to be arranged for diagrams, notes, etc.

Scale of diagrams.

Courses and distances to be entered, etc.

What record
shall show.

According to the survey thereof, and shall be considered a part of the record. The record shall show, in addition, the time when, the name of the person by whom, and the person for whom each survey was made, a description of all witness trees marked on the survey, with their respective courses and distances, and the variation of the magnetic from the true meridian. He shall make an index to such record book, referring in some suitable manner to each survey.

Index to
record.

Original sur-
veys by Uni-
ted States;
how ob-
tained.

(450.) Sec. 102. The county surveyor shall contract with the Commissioner of the State Land Office, or with any person having possession of the same, for certified copies of the field notes, and plats of the original surveys by the United States, of the lands of his county, and if such contract be approved by the board of supervisors of his county, the county surveyor shall, upon receiving such copies, direct the county clerk to draw an order upon the treasurer of his county for the amount so agreed upon, and transmit it to the said commissioner, or other person to whom it may be due, and shall have said plats and field notes substantially bound in book form, which shall be kept open in the said county surveyor's office for the benefit of the public; and all records of surveys, field notes, and calculations made by any former county surveyor, since the organization of the State Government, and now in the hands of such former county surveyor, or of any other person, shall, on demand of the county surveyor of the proper county, be immediately delivered to him as a part of the records and files of his office, and the boards of supervisors of the several counties shall respectively audit and allow to the persons entitled thereto, such sum as they shall deem a reasonable compensation for the expense of the books containing such records.

How paid
for, etc.

Provision
for obtain-
ing former
records of
surveys, etc.,
and payment
for same.

Surveys;
how made.

(451.) Sec. 103. All surveys by county surveyors in this State must be made in accordance with the following principles, when applicable:

1st. All corners that can be identified by the original field notes, or other unquestionable testimony, shall be regarded as

the original corners, and must not be changed while they can be thus identified;

2d. Extinct interior section corners must be reestablished at the intersection of two right lines joining the nearest known points on the original section lines east and west, and north and south of it;

3d. Any extinct quarter section corner, except on fractional lines, must be reestablished equi-distant and in a right line between the section corners; in all other cases, at its proportional distance between the nearest original corners on the same line;

4th. Center corners of whole sections, and of fractional sections adjoining the north and west boundaries of townships, must be established at the intersection of two right lines connecting their opposite quarter section corners respectively. It shall be the duty of county surveyors to perpetuate the original corners they may work from, by noting new bearing trees where timber is near, as the old ones decay. They shall also perpetuate the principal corners made by themselves in the same manner.

Duty of surveyors to perpetuate original corners, etc.

(453.) Sec. 105. Whenever a majority of the resident owners of any section, or part or parts of any section of land in this State, after having given at least ten days notice to all other persons, or to their agents, owning land in the same section or part or parts of the section, as the case may be, who reside in the township, shall desire to have their corners and lines, or any of them established, re-located or perpetuated, such surveyor shall proceed to make the required surveys; and the expense thereof shall be borne by all the persons benefited, in proportion to the amount of work done for each, to be determined by the surveyor; and if any person thus benefited, whether a non-resident or otherwise, shall refuse or neglect to pay his share of such expense, such surveyor shall certify the same, and to whom due, to the supervisor of the proper township, who shall assess it upon the land of such person, to be collected in the same manner as other taxes, and held subject

How majority of resident owners may have their corners and lines established, etc.

Expense of same, by whom paid.

On refusal or neglect to pay, same may be assessed on land.

to the order of the person named in the surveyor's certificate, as being entitled to the same.

Compensation of surveyor and deputies.

(454.) Sec. 106. Each county surveyor and his deputies shall be entitled to receive for their respective services, a compensation not exceeding four dollars a day, including the time of traveling to and from the place of making the survey, and twenty-five cents for recording each description, and twenty-five cents for each certificate or a copy thereof, to be paid by the person for whom the services are rendered, and shall not be liable to prosecution in an action of trespass for entering upon any lands in the discharge of their duties.

Acts repealed.

Sec. 2. Act number two hundred and sixty, of the session laws of eighteen hundred and sixty-one, entitled "An act to amend chapter ten, of the compiled laws, in relation to certain duties and compensation of county surveyors," approved March sixteenth, eighteen hundred and sixty-one, and act number one hundred and eight, of the session laws of eighteen hundred and sixty-seven, entitled "An act to amend section one hundred and six, of chapter ten, being section four hundred and fifty-four, of the compiled laws, touching the compensation of county surveyors," approved March twenty-sixth, eighteen hundred and sixty-seven, are hereby repealed.

Approved April 8, 1869.

[No. 141.]

AN ACT to amend chapter one hundred of the compiled laws, being chapter seventy-six, of the revised statutes of eighteen hundred and forty-six, by adding two new sections thereto.

Sections added.

SECTION 1. *The People of the State of Michigan enact, That* chapter one hundred of the compiled laws, being chapter seventy-six, of the revised statutes of eighteen hundred and forty-six, be amended by adding thereto two new sections, to stand as sections fourteen and fifteen, and to read as follows:

Sec. 14. Whenever in the distribution or partition of the estate of any person, whether such person died testate or intestate, any moneys due or to become due upon a contract in writing for the sale of real estate made by such deceased in his lifetime, or any such contract or lands therein described shall be assigned or set off to any minor, the probate court having jurisdiction of the estate of such minor may make a decree authorizing and directing the guardian of such minor to convey such real estate to the person entitled thereto, in like cases, and upon the presentation of a like petition, either by the person entitled to such conveyance, or by the guardian of such minor, and the same proceedings shall thereupon be had, and with like effect as herein provided for conveyance by executors and administrators.

When probate court may authorize guardian of a minor to convey real estate.

Sec. 15. The guardian of any such minor may, in the cases provided for in the last section, embrace any number of such contracts that may have been so assigned and set off to such minor, in one petition, and such probate court, on the hearing of such petition, may decree a conveyance of the real estate pursuant to the terms of such contracts, to the several persons entitled thereto, in the same manner, and with like effect as hereinbefore provided.

Guardian may embrace any number of assigned contracts in one petition.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 142.]

AN ACT to amend sections thirty-two and thirty-three of an act entitled "An act to provide for the incorporation of railroad companies," approved February twelve, one thousand eight hundred and fifty-five, and section forty-five of said act, as amended by section five, of act number one hundred and seventy-three, of the session laws of one thousand eight hundred and sixty-one, approved March fifteen, one thousand eight hundred and sixty-one.

SECTION 1. *The People of the State of Michigan enact, That* sections thirty-two and thirty-three of an act entitled "An act

Sections amended.

to provide for the incorporation of railroad companies," approved February twelve, one thousand eight hundred and fifty-five, and section forty-five of said act, as amended by act number one hundred and seventy-three, of the session laws of one thousand eight hundred and sixty-one, be so amended as to read as follows:

Annual report; to be filed with Auditor General.

Sec. 32. Every railroad corporation in this State shall make an annual report to the Auditor General, which report shall be verified by the oath of the treasurer and president, or acting superintendent, of the operations of the year ending on the last day of December, in the year one thousand eight hundred and sixty-nine, and annually thereafter, of the operations of the year ending on the first day of September, which report shall be filed with the Auditor General within thirty days after the expiration of the year, as aforesaid, and shall state—

Contents.

1. The capital stock, and the amount actually paid in;
2. The amount expended for the purchase of lands for the construction of the road, for buildings, and for engines and cars, respectively;
3. The amount and nature of indebtedness, and the amounts due the corporation;
4. The amount received for the transportation of passengers, of property, of mails, and from other sources, respectively;
5. The amount of freight, specifying the quantity, in tons, of the products of the forest, of animals, of vegetable food, and other agricultural products, manufactures, merchandise, and other articles;
6. The amount paid for repairs, engines, cars, buildings, and salaries, respectively;
7. The number and amount of dividends, and when paid;
8. The number of engine houses and shops, of engines and cars, and their character;
9. The number of miles run by passenger, freight, and other trains, respectively;
10. The number of men employed, and their occupation;

11. The number of persons injured in life or limb, and the ¹³¹⁴ cause of such injury;

12. Whether any accidents have arisen from carelessness or negligence of any person in the employment of the corporation, and whether such person is retained in the service of the corporation;

13. Whether the said corporation has received any land grant, and in case it has, the number of acres of land reserved for it, the number of acres confirmed to it, the number of acres sold, the rate per acre, the aggregate received from such sale, and how paid; the number of acres contracted to be sold, and not deeded, and the rate per acre contracted to be paid; the amount received upon the contracts, and if contracted to be sold to a stockholder in said corporation, or any member, officer, agent, or attorney thereof, the name of such person; the number of acres contracted to be sold to him, the rate per acre, and the amount paid upon the contract;

14. The amount of municipal aid, if any, received by said corporation, the terms and conditions upon which the same was received, the name of and amount received from each municipality, whether the same was in money or bonds, and if in bonds, at what rate, and for how much the same have been sold, the commission, if any, paid by such corporation for the sale of said bonds, and to whom paid;

15. Such further report as the Auditor General shall from time to time require.

Sec. 2. That section thirty-three of said act be and the ^{Section} same is hereby amended to read as follows: ^{amended.}

Sec. 33. Any such corporation, which shall neglect to make ^{Penalty for} such report, or which shall willfully make a false report, shall ^{neglect to} be liable to a penalty of one thousand dollars; and it shall be ^{make report,} the duty of the Auditor General, and he is hereby required, in ^{how col-} case any such corporation incurs the penalty aforesaid, to forth- ^{lected.} with issue his warrant for the collection of the same in the same manner, and to levy and collect the same, in all respects as is now provided by law for the collection of taxes against

Auditor
General to
arrange and
print reports

such corporation. It shall be the duty of the Auditor General to annually arrange the information contained in such report, in a tabular form, and prepare the same, together with the said reports, in a single document, for printing, and the same shall be printed and published annually, at the time of printing and publishing of the Auditor General's annual report.

Section
amended.

Sec. 3. That section forty-five of said act, as amended by section five, of act number one hundred and seventy-three, of session laws of one thousand eight hundred and sixty-one, approved March fifteen, one thousand eight hundred and sixty-one, be and the same is hereby amended to read as follows:

Annual tax
of one per
cent. on paid
in capital.

Sec. 45. Every corporation formed under the provisions of this act shall, on or before the first day of July, in the year one thousand eight hundred and sixty-nine, and annually thereafter on or before the first day of October of each year, pay to the State Treasurer, on the statement of the Auditor General, an annual tax of one per cent. on the capital stock of said company paid in, and also upon all sums of money, whether arising from the net proceeds of said road, from municipal aid, from the sale of lands, or from other sources, as shall from time to time be invested in the original construction and stocking, or in any new construction or stocking of said road, which tax shall be in lieu of all other taxes upon the property of said company, whether real, personal, or mixed, except penalties by law imposed; and such tax shall be estimated upon the last annual report of said corporation filed in the office of the Auditor General, as required by section thirty-two of this act; but nothing contained in this section shall apply to any corporation existing at the time of the approval of the act of which this is amendatory, nor to alter, reduce, or in any way affect the tax of any corporation not formed under the provisions of said act: *Provided*, That no corporation formed under the provisions of the act to which this is amendatory, shall be liable to pay any tax on any money expended on any portion of its road, which has not been opened for use.

Also, upon
all sums in-
vested in
construction
or stocking,
authorized.

How tax
estimated.

Not applica-
ble to certain
corporations.

proviso.

Approved April 3, 1869.

[No. 143.]

AN ACT to amend section five thousand seven hundred and twenty-six of the compiled laws, being section sixteen, of chapter one hundred and eighty of said laws, relative to offenses against persons.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section five thousand seven hundred and twenty-six of the compiled laws be amended so as to read as follows:

(5726.) Sec. 16. If any person, being armed with a dangerous weapon, shall assault another, with intent to rob, he shall be deemed a felonious assaulter, and shall be punished by imprisonment in the State prison not more than fifteen years. Penalty for assault, being armed, etc.

Approved April 3, 1869.

[No. 144.]

AN ACT to amend section 4746 of the compiled laws, the same being section five, of chapter one hundred and fourteen, of the revised statutes of 1846, relating to proceedings against debtors by attachment.

SECTION 1. *The People of the State of Michigan enact, That* Section amended.
section 4746 of the compiled laws, the same being section five, of chapter 114, of the revised statutes of 1846, be amended so as to read as follows:

(4746.) Sec. 5. Such writ shall command the sheriff, or other officer to whom it may be directed, to attach so much of the lands, tenements, goods, chattels, moneys, and effects of the defendant not exempt from execution, wheresoever the same may be found within the county, as will be sufficient to satisfy the plaintiff's demand, and safely keep the same to satisfy any judgment that may be recovered by the plaintiff in such attachment, and also to summon the defendant, if to be found within his county, or in any county where he may have seized property under and by virtue of the provisions of section six, of said chapter 114, of the revised statutes of 1846, as amended, to Contents of writ.

appear before the circuit court, at the time and place to be specified in such writ, to answer the plaintiff; and such writ shall be tested and made returnable in the same manner as other writs issuing out of the circuit court.

Approved April 3, 1869.

[No. 145.]

AN ACT to provide for the imprisonment and detention of convicted persons in the Detroit House of Correction.

SECTION 1. *The People of the State of Michigan enact,* That no circuit court commissioner in the county of Wayne, shall grant a writ of *habeas corpus* or *certiorari*, to inquire into the cause of the detention or restraint of the liberty of any person who is imprisoned, detained, or restrained of his liberty upon criminal process, whether final or otherwise; and if under a petition which does not disclose that the person in whose behalf the writ is applied for is so imprisoned, detained and restrained, said commissioner grants said writ, he shall remand said person into custody, if return is made to said writ that said person is so imprisoned, detained or restrained, and shall discontinue all proceedings under said writ. Any order of said commissioner to discharge a prisoner, or person charged with or convicted of a crime or misdemeanor, shall be void, and any officer or other person obeying the same shall be guilty of a misdemeanor. Said commissioner shall in no case inquire into the validity of the commitment, or other process by which prisoners convicted or charged with offenses are imprisoned or detained, nor shall said commissioner let any person charged with an offense, to bail.

Sec. 2. Any justice of the Supreme Court, the judge of the circuit court of Wayne county, any circuit judge of the State, and the recorder of the city of Detroit, may grant writs of *habeas corpus* and *certiorari* in criminal cases in the county of Wayne.

Sec. 3. No person shall be released from custody when the return to a writ of *habeas corpus* alleges that the person in whose behalf said writ was issued, is convicted by a court or officer of competent jurisdiction, of a crime or misdemeanor, or is committed to imprisonment to find sureties of the peace, by reason of any defect or informality in the process by which said person is committed by said court or officer; but the court or judge granting the writ shall only inquire into the truth of the return, and determine whether the court, or officer under whose judgment, order or finding, said person is so imprisoned or committed, has acted within the jurisdiction of said court or officer. No person committed to prison for trial, shall be discharged by reason of defects in the process committing him.

When release from custody shall not be made.

Court or judge granting writ shall only inquire into truth of return, etc.

Defects in process.

Whenever the process by which a person convicted or committed, and is held in the jail, House of Correction, or other prison, is defective in any respect, but has been issued by a court, or officer of competent jurisdiction, in the exercise of that jurisdiction, the court or judge granting the writ of *habeas corpus*, shall remand the person in whose behalf said writ was issued, by a mittimus under the seal of said court, or the hand and seal of said judge, commanding the proper officer to keep the said person in custody in accordance with the judgment, order, or commitment of the court or officer by whose judgment, order, or commitment said person is imprisoned, and said mittimus shall be and stand in the place of the process so defective. The provisions of this act shall apply to the county of Wayne only.

When process is defective judge, etc., may remand by writ of mittimus.

Act applies to Wayne county only.

Sec. 4. Every person more than fifteen years of age who is a common prostitute shall, upon conviction thereof, be punished by imprisonment in the Detroit House of Correction a term of three years. Complaints under this section may, in cities having a police justice, be made to said police justice, who shall hear, try, and determine the same. In the townships, villages, and cities which have no police justice, said complaints shall be made to a justice of the peace, who shall hear, try, and

Imprisonment of convicted prostitutes.

To whom complaints made in cities. In townships, villages, etc.

Duty of justice of the peace. determine the same; but said justice of the peace shall, within thirty days after he has determined the said complaint, if the said person is found guilty, file in the office of the county clerk of his county, copies of all the proceedings under the same, and of the testimony, which copies shall, by the said clerk, be forthwith submitted to the circuit judge of said county, who shall in writing approve or disapprove of the finding of said justice of the peace, which approval or disapproval shall be filed by said judge in the office of said clerk, and shall be final. If said judge disapproves of said finding, the clerk shall certify the same under the seal of the circuit court, to the superintendent of said House of Correction, and said superintendent shall, upon the receipt of the certificate, release the person in whose case it is made. It is hereby made the duty of any sheriff, constable, or superintendent of police in this State, to serve said certificate upon the requisition of the said clerk, on the superintendent of said house.

Duty of county clerk

Duty of sheriff, etc.

Power of inspectors of Detroit House of Correction to establish rules, etc. Sec. 5. The inspectors of the Detroit House of Correction may establish rules and regulations under which women confined in the said house by virtue of the preceding section may, upon reformation, or marked good behavior, be absolutely discharged from imprisonment therein, or be released conditionally from residence in said house before their term of imprisonment has expired, which rules and regulations shall be approved by the circuit judge of the county of Wayne, and the recorder of the city of Detroit: *Provided*, That the persons released conditionally may at any time before the expiration of their term of imprisonment, be returned to a residence in said house under and by the written order of the said inspectors, which order shall be authority for any officer of said house, sheriff, or policeman to arrest and return said persons.

Previous.

Power of all courts of record, etc., to sentence female offenders of certain age to Detroit House of Correction Sec. 6. It shall be lawful for all courts of record having criminal jurisdiction in the State of Michigan, and all police justices, and justices of the peace in said State, in the exercise of their criminal jurisdiction, to sentence female offenders, who are not more than fifteen years of age, to the Detroit House of

Correction, there to remain and be kept until they are twenty-one years of age. The age of said offenders shall be ascertained to the satisfaction of the court, or officers sentencing said persons, and certified to the superintendent of said house, who shall receive and keep them until they are twenty-one years of age.

How age
ascertained.

Sec. 7. *Whereas*, There is connected with said House of Correction, as a department thereof, a house for shelter, for the education and reformation of females; therefore, the inspectors of said house shall adopt rules and regulations by which girls under fifteen years of age, sent to said house under this or any other law, shall be kept in said house of shelter, and shall not, except they are refractory and incorrigible in their conduct, be imprisoned in the other department of said House of Correction, to be subject to the restraints which govern adult prisoners.

Girls under
fifteen shall
be kept in
house of
shelter, etc.

Sec. 8. Courts of record, the police court of the city of Detroit, and justices of the peace in the county of Wayne, in the exercise of their criminal jurisdiction, shall sentence all female offenders who are under fifteen years of age, to the said House of Correction, there to remain and be kept until they attain the age of twenty-one years. The age of such offenders shall be ascertained and certified as provided in section six of this act.

Jurisdiction
of courts of
record, police
court of De-
troit, and
justices of
the peace in
Wayne
county.

Sec. 9. Any girl under the age of fifteen years, who is sentenced to the House of Correction until she is twenty-one years of age, may be discharged therefrom at any time during her term of imprisonment, under such rules and regulations as the inspectors of said house may adopt.

Girls under
fifteen may
be dis-
charged.

Sec. 10. The superintendent of said house shall, in December of each year, report to the Governor—

Superinten-
dent's report

First. The number and age of all persons confined therein; Contents.

Second. Their term of imprisonment;

Third. The cause of imprisonment;

Fourth. The number of persons discharged and the reasons why, and all other facts which he may deem necessary to explain the condition and necessities of said house.

Forms of
commitment

Sec. 11. The following forms of commitment of prisoners sentenced under this or any other law of this State, to the House of Correction, by a police justice or a justice of the peace, shall be sufficient:

Of common
prostitute.

First. Commitment of a common prostitute:

———county—ss. To the superintendent, or any patrolman of the Metropolitan police of the city of Detroit, and the superintendent of the Detroit House of Correction, greeting: *Whereas*, after trial, upon a complaint duly taken by me, ——* of ——, in said county, was convicted of being a common prostitute, and was by me sentenced to be imprisoned in the Detroit House of Correction three years,† from and including this —— day of ——, A. D. 18—. Now therefore, you, the said ——, superintendent, or any patrolman of said police, are hereby required to convey said —— to said House of Correction, and deliver her into the custody of the superintendent thereof; and you, the said superintendent of said house, are commanded to receive said —— into your custody, and her there safely keep until the expiration of said three years, or until she is discharged in accordance with law. Given under my hand, at the city of Detroit, this —— day of ——, A. D. 18—.

Girls under
fifteen.

Second. Girls under fifteen years of age, the same form as above, except that after the name of the person committed, and before the *, the words: "Who is hereby certified to be of the age of —— years, and —— ——— on this day," shall be inserted, and in lieu of the words "three years" before the †, the words, "until she shall attain the age of twenty-one years," shall be inserted, and the words "from and including the day of ——, A. D. 18—," shall be omitted.

Disorderly
persons.

Third. The same form of commitment shall, as near as may be, be used in the cases of disorderly persons.

Fourth. In cases arising out the city of Detroit, the said commitment shall be addressed to "The sheriff," or in towns,

or cities having a police force, to the superintendent or other authorized officer of the force.

Approved April 3, 1869.

[No. 146.]

AN ACT to amend section one of an act entitled "An act requiring corporations doing business in this State, whose principal offices are out of the State, to keep a list of their stockholders, and a transfer book within this State," approved March thirtieth, eighteen hundred and sixty-nine.

SECTION 1. *The People of the State of Michigan enact*, That section one of an act entitled "An act requiring corporations doing business in this State, whose principal offices are out of the State, to keep a list of their stockholders, and a transfer book within this State," be amended so as to read as follows:

SECTION 1. *The People of the State of Michigan enact*, That all corporations formed under the laws of this State, and holding property therein, and whose principal office for the transaction of business shall be located without the limits of this State, except corporations engaged in mining for iron, copper, mineral coal, silver, or other ores or minerals in the Upper Peninsula, are hereby required, when such corporations have branch offices in this State, to keep a list of all the stockholders of such corporation, and a transfer book of the stock thereof, at their agency, and if they shall have more than one, then at some one of such agencies, to be designated by the officers of such corporation.

Section amended.

What corporations to keep list of stockholders and a stock transfer book at office in this State.

Sec. 2. This act shall take immediate effect.

Approved April 3, 1869.

[No. 147.]

AN ACT to amend section one thousand six hundred and sixty-six of the compiled laws, being section eight, of chapter fifty-two, of the compiled laws, relative to the manufacture and sale of intoxicating drinks as a beverage.

Section amended.

(1666.) SECTION 1. *The People of the State of Michigan enact,* That section sixteen hundred and sixty-six, of the compiled laws, be amended so as to read as follows:

Justices, municipal and police courts to have jurisdiction in cases arising under this act. Exception.

Sec. 8. Any justice of the peace of the county, or any municipal or police court of any city or village, shall have jurisdiction and authority to hear, try, and determine all cases arising under this act, occurring in any part of the county in which said justice resides, or in which said court sits, except for a breach of the recognizance specifically mentioned in section twelve (of which the circuit court shall have jurisdiction.) The suit shall be brought in the name of the people of the State of Michigan, in an action of debt, and may be instituted by any

How suit shall be brought.

Competent witnesses.

person who is a resident of such county; and all parties to any such proceedings shall be competent witnesses in the case,

By whom suit may be instituted. Duty of common council, etc.

except the defendant therein. Such suit may be instituted by the prosecuting attorney of the proper county; and it shall be the duty of the common council, attorney, or alderman of any city, the board of trustees of any village, and each one of them, and of the supervisor of any township, when any offense under the provisions of this act shall have been committed, who shall have knowledge thereof, or reasonable evidence, by affidavit thereof, served upon him, to institute such suit without

Supervisor authorized to employ, attorney

delay; (and the said supervisor is hereby authorized to employ an attorney to assist him in the prosecution of such suit, except in the township where the prosecuting attorney for the county resides;) and there shall be paid to the attorney so employed,

How paid.

out of any funds in the county treasury not otherwise appropriated, a sum not exceeding ten dollars in any one suit wherein the prosecution obtain a judgment, and such attorney

fee shall be taxed as a part of the cost, against the defendant, and paid, with the fine, into the county treasury.

Approved April 5, 1869.

[No. 148.]

AN ACT to revise and consolidate the several acts relating to the support and maintenance of poor persons.

SECTION 1. *The People of the State of Michigan enact, That* Poor persons when to be maintained by county.
every poor person who is blind, old, lame, sick, or decrepit, or in any other way disabled, or enfeebled, so as to be unable to maintain himself, and who shall not be relieved or maintained by his relatives, as provided in chapter thirty-seven, of the revised statutes of eighteen hundred and forty-six, shall be maintained by the county in which he may be, according to the following provisions.

Sec. 2. It shall be the duty of the supervisors of each county, Appoint-ment of su-perintend'ts of poor.
at their annual meeting in the year eighteen hundred and sixty-nine, to appoint three discreet electors of such county to be superintendents of the poor within the same; one for the term of one year, one for the term of two years, and one for the term of three years; each to hold his office until another Term of office.
shall be appointed in his place and duly qualified; and at their annual session in each year thereafter, and they shall appoint one for the term of three years, and until his successor is chosen and qualified; and such superintendent shall take the oath of Oath.
office prescribed in the eighteenth article of the constitution, and file the same with the county clerk.

Sec. 3. A majority of the persons so appointed shall be at Majority may transact business.
all times competent to transact business, and to execute any powers vested in the board of superintendents; and they shall Compensation.
be allowed such sum for their actual attendance and services as the board of supervisors of the county shall deem reasonable.

Sec. 4. They shall be a corporation, by the name of the su- To be a corporation.
perintendents of the poor of the county for which they shall be

Powers as
such.
Meetings;
where held.

appointed, and shall possess the usual powers of a corporation for public purposes, and they shall meet as often as the board of supervisors of the county shall direct, at the county poor-house, if there be one, and if not, then at the place of holding the circuit court in their county, and at such other times and places as they shall deem necessary.

Powers and
duties.

Sec. 5. They shall have the general superintendence of all the poor who may be in their respective counties, and shall have power, and it shall be their duty—

To have
charge of
county poor-
house, etc.

1. To have charge of the county poor-house that has been or shall be erected, and to provide suitable places for the keeping of such poor, when so directed by the board of supervisors, when houses for that purpose shall not have been erected by the county; and for that purpose to rent a tenement or tenements, and land not exceeding eighty acres, and to cause the poor of the county to be maintained at such places;

Ordain rules,
etc.

2. To ordain and establish prudential rules, regulations and by-laws, and for the government and good order of such places so provided, and of the county poor-houses, and for the employment, relief, management, and government of the persons therein placed;

To employ
keepers, etc.

3. To employ one or more suitable persons to be keepers of such houses or places, and all necessary officers and servants; and to vest in them such powers for the government of such houses as shall be necessary, reserving to the paupers who may be placed under the care of such keepers, the right to appeal to the superintendents;

Purchase
materials,
etc.

4. To purchase the furniture, implements, and materials that shall be necessary for the maintenance of the poor, and their employment and labor, and to sell and dispose of the proceeds of such labor, as they shall deem expedient;

Prescribe
rate of allow-
ance.

5. To prescribe the rate of allowance to be made to any person for bringing paupers to the county poor-house, or place provided for the poor, which amount shall be paid by the county treasurer, on the production of a certificate signed by

the chairman, and countersigned by the secretary of the board of superintendents;

6. To commence any suit wherein they may be entitled to prosecute upon any recognizance, bond, or security taken for the indemnity of any township or of the county, and prosecute the same to effect;

Commence suit.

7. To draw, from time to time, on the county treasurer, for all necessary expenses incurred in the discharge of their duties, which draft shall be paid by him out of the moneys placed in his hands for the support of the poor;

To draw moneys from county treasury.

8. To render to the board of supervisors of their county, at their annual meeting, a detailed account of all moneys received and expended by them, or under their direction, and of all their proceedings;

To render annual accounts.

9. To pay over all moneys belonging to the county, remaining in their hands, to the county treasurer, within fifteen days after receiving the same.

To pay over moneys.

Sec. 6. The board of supervisors of any county in this State in which a county poor-house is not already erected, may, at any annual or special meeting thereof, determine to erect such a house for the reception of the poor of their county; and upon filing such determination with the clerk of the county, they may direct the superintendents of the poor of such county to purchase one or more tracts of land, not exceeding three hundred and twenty acres, and to erect thereon one or more suitable buildings for the purpose aforesaid.

Power of board of supervisors to purchase land and erect county poor-house.

Sec. 7. To defray the expenses of such purchase and building, the said board of supervisors may raise by tax on the taxable real and personal property within the same county, a sum not exceeding twelve thousand dollars, in such installments, and at such times as they may judge expedient; and such tax shall be raised, assessed, and collected in the same manner as the other county charges, and shall be paid by the county treasurer, upon the order of the superintendents of the poor, to be applied for the purposes aforesaid.

Expense of purchase, etc., may be raised by tax.

Limit to same.

How assessed and paid.

When person
to be re-
moved to
county poor-
house.

Sec. 8. When any poor person or persons shall apply for relief to a county superintendent of the poor, or to the supervisor of any township, city or ward, the said superintendent of the poor, or supervisor, shall make immediate personal inquiry into the state and circumstances of the applicant; and if it shall appear that the person so applying is in such indigent circumstances as to require permanent relief and support, and can be safely removed, such superintendent or supervisor shall, by a written order, cause such poor person to be removed to the county poor-house, to be received and provided for as his necessities may require; but if it shall appear that any such poor person so applying for relief, requires but temporary or partial support, or is so sick, lame, or otherwise disabled that such person cannot be safely or conveniently removed to the poor-house, then the superintendent or supervisor may cause provisions to be made, under his own direction, for the temporary or partial relief and support of such poor person, which support, when furnished by a supervisor, shall in no case exceed the sum of twenty dollars in any one year, unless by the consent in writing, of a county superintendent of the poor.

Temporary
relief to poor
person.

Limit of
amount so
furnished.

Persons re-
moved to be
received and
relieved by
keeper.

Sec. 9. Every such person so removed shall be received by the keeper of the county poor-house, and shall be supported and relieved therein, under the direction of the superintendents, until it shall appear to them that such person is able to maintain himself, when the said superintendents may in their discretion, discharge him.

When super-
intendents
may dis-
charge.

Supervisor
who has af-
forded relief
shall report
to superin-
tendent.

Sec. 10. In all cases where relief has been afforded as provided in section eight of this chapter, said supervisor shall, within ten days, make in writing to the superintendent of the poor of the county, a report of his doings in every case of relief so afforded, specifying the articles furnished, and the value of each item thereof, and the said supervisor shall make to the board of supervisors at their annual meeting, a statement in writing, showing the number of persons to whom such temporary relief has been granted, and the names of such persons, and the amount granted to each, with the peculiar items of

Also to board
of supervi-
sors.

Contents of
statement.

such expenditures, and also the number of persons, with the names of each, removed to the county poor-house from each township by the order of the supervisor of such township, and the date of such removal.

Sec. 11. The supervisor of the township, city, or ward shall be entitled to receive from the superintendents of the poor, an order on the county treasurer for any sum which he may have paid out or contracted to pay, within the amount specified in section eight; but no greater sum than twenty dollars shall be so expended or paid for relief of any one person or one family, without the sanction in writing of the superintendents of the poor of the county; and such supervisor shall be entitled to a compensation of one dollar and fifty cents for each day, and at the same rate for parts of a day actually and necessarily devoted by him to the care of such poor person.

Supervisor to receive order on county treasurer for sums paid, etc.

Limiting amount to be expended.

Per diem of supervisor when caring for the poor.

Sec. 12. The superintendents may provide for the support of paupers that may be idiots or lunatics, out of the county poor-house, in such place and in such manner as shall best promote the interests of the county, and conduce to the comfort and recovery of such paupers.

Provision for support of idiots and lunatics, out of county house.

Sec. 13. Any person who shall send, carry, transport, remove or bring, or who shall cause or procure to be sent, carried, transported, removed or brought, any poor or indigent person from any county into any other county, without legal authority, and there leave such poor person, or who shall entice such poor person so to remove, with intent to make any such county to which the removal shall be made chargeable with the support of such pauper, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be imprisoned in the county jail not exceeding three months, or fined not exceeding one hundred dollars, or both, in the discretion of the court.

Punishment for removing paupers from one county to another.

Sec. 14. The pauper so brought, removed or enticed, shall be maintained and provided for by the superintendents of the poor of the county where he may be, and the said superintendents may give notice to either of the superintendents of the

Paupers so removed to be cared for and notice sent to superintendent of proper county.

poor of the county from which such pauper removed, or was brought or enticed, informing them of such improper removal, and requiring them forthwith to take charge of such pauper.

Superintendent receiving notice to pay expenses, etc., or deny allegation of removal.

Sec. 15. The superintendents to whom such notice may be directed shall, within thirty days after the service thereof, take and remove such pauper to their county, and pay the expenses incurred in giving such notice, and in maintaining such pauper from the time of his becoming a charge to the county in which he is maintained; or they shall within the time aforesaid, notify the superintendents from whom such notice was received, or either of them, that they deny the allegation of such improper removal or enticing.

Superintendents omitting to remove pauper, or give notice of denial shall be liable for expenses.

Sec. 16. If the superintendents to whom a notice shall have been given, as provided in the fifteenth section of this act, shall omit to take and remove such pauper as shall neglect to notify such denial within the time aforesaid, they shall be liable for said expenses so long as such pauper shall remain a charge; and an action for such expenses may be maintained, from time to time, by and in the name of the superintendents incurring the same, or their successors in office, against the superintendents so made liable, and their successors in office.

When notice of denial is received action shall be commenced for expense of support, etc.

Sec. 17. Upon receiving any such notice of denial, as aforesaid, the superintendents upon whom the same may have been served shall, within three months thereafter, commence an action against the superintendents of the poor of the county to whom the first notice was directed, for the expenses of supporting such pauper, as for moneys paid, laid out, and expended, and shall prosecute the same to effect; and if such action be not commenced within the time aforesaid, the same shall be forever barred, and no action shall thereafter be brought for expenses incurred in supporting or maintaining such pauper.

When action shall be barred.

Who not to be superintendant.

Sec. 18. No supervisor of any township, mayor, or alderman of any city, prosecuting attorney of any county, county clerk, or county treasurer, shall be appointed to, or hold the office of superintendent of the poor.

Sec. 19. The keeper of every poor-house shall be exempt from all service in the militia, and from serving on juries, during the time he shall be such keeper.

Keepers exempt from militia service.

Sec. 20. The place which shall be provided for the reception of the poor by the county superintendents, pursuant to the provisions of this act, shall in all cases be deemed to be the county poor-house; and all the provisions of this act, applicable to county poor-houses, shall extend and apply to such places.

What places to be deemed poor-houses.

Sec. 21. Whenever there shall be in any county ten or more paupers, over five and under eighteen years of age, the superintendents of the poor of such county shall cause the same to be taught and educated in an apartment of the county poor-house, to be fitted up for that purpose, if it shall be convenient, and if not, then in some building or apartment to be provided by them for that purpose; and there shall be taught in such school the branches usually taught in the primary schools of this State; and the superintendents are required to provide for the education of such paupers for at least one-half of the time they shall be under their charge, and the expense thereof shall be paid in the same manner as other contingent expenses are paid for the support of such paupers: *Provided*, That when the number of such persons shall be less than ten, then the said superintendents shall make such provision for their education as to them shall seem just and proper.

Education of pauper children.

What branches to be taught.

Expenses; how paid.

Proviso.

Sec. 22. Any person who shall bring or remove, or cause to be brought or removed, any poor or indigent person, from any place without this State, into any county within it, with intent to make such county chargeable with the support of such paupers, shall forfeit and pay fifty dollars, to be recovered before any justice of the peace of the county into which such pauper shall be brought, or in which the offender may be; and shall also be obliged to convey such pauper out of the State, or support him at his own expense.

Penalty for removing pauper from another State.

Sec. 23. It shall be lawful for the justice or court before whom such person shall be convicted for a violation of the

Magistrate may require security, etc.

provisions of the preceding section, to require of such person satisfactory security that he will, within a reasonable time, to be named by the justice or court, transport such person out of the State, or indemnify such county for all charges and expenses which may have been, or may be incurred in the support of such pauper; and if such person shall neglect or refuse to give such security when required, it shall be the duty of the justice or court to commit him to the county jail for a term not exceeding three months.

Punishment
for refusal to
give security

All moneys
received by
superinten-
dent, etc., to
be paid to
county treas-
urer.

Sec. 24. All moneys which shall be collected by any superintendent, or by the supervisor of any township, city or ward, or received by any of them on any bond or other security given for the benefit or indemnity of any county, or of any township, city or ward, and all other moneys which shall be received by such superintendent or supervisor for the benefit of the poor, shall be by them paid over within fifteen days after the receipt of the same, to the county treasurer; and if not so paid, the same may be recovered in an action as for money had and received, to be brought by and in the name of the county treasurer, with interest at the rate of ten per cent., from the time the same shall [should] have been paid over.

On neglect,
how same
recovered.

Liability of
superinten-
dent for neg-
lect to ac-
count.

Sec. 25. Every superintendent who shall neglect or refuse so to render an account or statement, or to pay over any moneys as required in this act, shall forfeit the sum of two hundred and fifty dollars, and shall also be liable to an action by and in the name of the county treasurer, as for moneys had and received, for all moneys which may be in his hands after the expiration of his term of office, with interest thereon from the time when the same ought to have been paid over.

Estimates
for yearly
expenses.

Collection of
same.

Sec. 26. The superintendents of the poor in each county shall present to the board of supervisors at their annual meeting in each year, an estimate of the sum which, in their opinion, will be necessary during the ensuing year for the support of the county poor; and the said supervisors shall cause such sum as they may deem necessary for that purpose to be assessed, levied, and collected in the same manner as the other contin-

gent expenses of the county, to be paid to the county treasurer, and by him to be kept as a separate fund, distinct from the other funds of the county.

Sec. 27. The accounts of the supervisors and of justices of the peace, for any personal or official services rendered by them in relation to the poor, shall be audited and settled by the superintendents, and be paid on their order by the county treasurer; but no allowance shall be made to any officer for attending any board with accounts, for the purpose of having the same audited or paid.

Accounts of supervisors and justices, how audited and paid.

Sec. 28. It shall be the duty of the superintendents of the poor of each county, on or before the twentieth day of October in each year, to report to the Secretary of State, in such form as he shall direct, the number of paupers that have been relieved or supported in such county the preceding year, the whole expense of such support, specifying the amount paid for the transportation of paupers, and any other items which do not constitute any part of the actual expense of maintaining such paupers, and the allowance made to superintendents, supervisors, justices, keepers and officers, the actual value of the labor of the paupers maintained, and the estimated amount saved in the expense of their support in consequence of their labor.

Annual report of superintendents to Secretary of State.

Contents of report.

Sec. 29. Any superintendent who shall neglect or refuse to make such report as aforesaid, or who shall willfully make any false report, shall forfeit one hundred dollars; and the Secretary of State shall give notice to the prosecuting attorney of the county of every such neglect or refusal, or misconduct.

Liability of superintendent for neglect to report. Secretary of State to give notice to prosecuting attorney of such neglect.

Sec. 30. The Secretary of State shall annually lay before the Legislature, during the first month of its session, an abstract of said report.

Secretary of State to report to Legislature.

Sec. 31. The provisions of this act shall not apply to the city of Detroit.

Detroit exempted.

Of the support of the Poor by Townships.

Where distinction between town and county poor is not abolished.

Sec. 32. In those counties in which the distinction between township and county poor shall not be abolished by the board of supervisors, the poor having a settlement in any township in such counties shall be supported at the expense of such township, and the poor not having such settlement shall be supported by the county in which they may be, as hereinbefore provided.

Who deemed a tied in townships.

Sec. 33. Every person of full age, who shall have been a resident and inhabitant of any township for one year, and the members of his family who shall not have gained a separate settlement, shall be deemed settled in such township. A minor may be emancipated from his or her father, and may gain a settlement:

How minor may gain settlement.

First. If a female, by being married and living one year with her husband, in which case the husband's settlement shall determine that of the wife.

Second. If a male, by being married and residing separately from the family of his father.

Third. By being bound as an apprentice, and serving one year by virtue of such indentures.

Fourth. By being hired, and actually serving for one year for wages, to be paid such minor.

Settlement of paupers.

Sec. 34. A woman of full age, by marrying, shall acquire the settlement of her husband, if he have any; and until a poor person shall have gained a settlement in his own right, his settlement shall be deemed that of his father or mother; but no child born in any place used and occupied as a residence for the poor of the township, city or county, shall gain any settlement merely by reason of the place of such birth; nor shall any child, born while the mother is a county pauper, gain any settlement by reason of the place of its birth; and no residence of any person as a pauper, in the county poor-house, or place provided for the support of the poor in any township, while supported at the expense of any township or county, shall

operate to give such pauper a settlement in the township where such actual residence may be had.

Sec. 35. No person shall be removed as a pauper from any city or township to any other city or township of the same or any other county, nor from any county to any other county; but every poor person shall be supported in the township or county where he may be, as follows: Where poor persons to be supported.

First. If he has gained a settlement in any township in such county, he shall be maintained by such township.

Second. If he has not gained a settlement in the county in which he shall become poor, sick or infirm, he shall be supported by the superintendents of the poor, at the expense of the county.

Third. If such person be in a county where the distinction between township and county poor is abolished, he shall, in like manner, be supported at the expense of the county, and in both the cases aforesaid, proceedings for his relief shall be had as hereinbefore provided.

Fourth. If such pauper shall be in a county where the respective townships are liable to support their poor, and has gained a settlement in some other township of the same county than that in which he may then be, he shall be supported at the expense of the township where he may be; and the supervisor shall give notice in writing to the supervisor of the township to which such pauper shall belong, or to one of them, requiring them to provide for the relief and support of such pauper.

Sec. 36. If, within ten days after the service of such notice, the supervisor to whom the same was directed, shall not proceed to contest the allegation of the settlement of such pauper, by giving the notice hereinafter directed, such supervisors, their successors, and the township which they represent, shall be forever precluded from contesting or denying such settlement. Such supervisor may, within the time aforesaid, give notice in writing to the supervisor of the township where such pauper may be, that he will appear before the county superintendents, When township forever precluded from contesting settlement. Supervisors to give notice of appearance before superintendents.

Power of
superinten-
dents to
compel at-
tendance of
witnesses,
etc.

at a place and on a day therein to be specified, which day shall be at least ten days, and not more than thirty days from the time of the service of such notice, to contest the said alleged settlement. The county superintendents are hereby authorized for such purposes to issue subpoenas to compel the attendance of witnesses, and to administer oaths to them in the same manner, with the like power to enforce such process, as is given justices of the peace in any matter cognizable by them; their decisions shall be filed in the office of the county clerk within thirty days after they are made, and shall be conclusive and final upon all parties interested.

When super-
intendents to
convene to
hear the con-
troversy.

Sec. 37. The county superintendents shall convene whenever required by any supervisor, pursuant to such notice, and shall proceed to hear and determine the controversy, and may award costs, not exceeding ten dollars, to the prevailing party, which may be recovered in any action before a court of competent jurisdiction.

Supervisor
on receiving
notice may
take and
maintain
pauper.

Sec. 38. The supervisor of the township in which it may be alleged any pauper has gained a settlement, may at any time after receiving such notice requiring him to provide for such pauper, take and receive such pauper to his township, and there support him. If he omit to do so, or shall fail to obtain the decision of the county superintendents, so as to exonerate him from the maintenance of such pauper, the charge of giving such notice, and the expenses of maintaining such pauper, after being allowed by the county superintendents, shall be laid before the board of supervisors at their annual meetings, from year to year, as long as such expenses shall be incurred; and the supervisor shall annually add the amount of the said charges to the tax to be laid upon the township to which the pauper belongs, together with such sum in addition thereto as will pay the township incurring such expenses the lawful interest thereon, from the time of expenditure to the time of payment, which sums shall be assessed, levied, and collected in the same manner as the other contingent expenses of such township. The said moneys when collected, shall be paid to

Proceedings
when he
omits so to
do.

the county treasurer, and be by him credited to the account of the township which incurred the said expense.

Sec. 39. The support of any pauper shall not be charged to the county without the sanction of the superintendents. If a pauper be sent to the county poor-house, or place provided for the poor, as a county pauper, the superintendents in those counties where the respective townships are required to support their own poor, shall immediately inquire into the fact, and if they are of opinion that such pauper has a legal settlement in any township of the said county, they shall, within thirty days after such pauper shall have been received, give notice to the supervisor of the township to which such pauper belongs, that the expenses of his support will be charged to such township, unless the said supervisor, within such time as the said superintendents shall appoint, not less than twenty days thereafter, show that such township ought not to be so charged. And on the application of the said supervisor, the superintendents shall reexamine the matter, and take testimony in relation thereto, and shall decide the question, which decision shall be final.

When support charged to county.

Notice to be given when expenses of a county pauper is to be charged to township.

Sec. 40. The decisions of the board of county superintendents, in relation to the settlement of any paupers, or to their being a charge upon the county, shall be entered in books to be provided for that purpose, and certified by the signatures of such of the said superintendents as make such decisions; and a duplicate thereof, certified in the same manner, shall be filed in the county clerk's office within thirty days after the making of any such decision. Such original, or a copy thereof, duly certified, shall be conclusive evidence of the facts therein contained.

Decision of board of superintendents to be recorded and filed with county clerk.

Effect of original or copy.

Sec. 41. In those counties where the respective townships are required to support their poor, the county treasurers thereof shall respectively open and keep an account with each township, in which the township shall be credited with all the moneys received from the same, or from its officers, and shall be charged with the moneys paid for the support of the poor

Treasurer's account with townships.

Superintendent's statement to county treasurer.

chargeable to such township; and if there be a county poor-house, or other place provided in such county for the support of the poor, the superintendents of the poor of the county shall, in each year before the annual meeting of the board of supervisors of such county, furnish to the county treasurer a statement of the sums charged by them, as hereinafter directed, to the several townships for the support of their poor, which shall be charged to each township respectively, by the county treasurer in his accounts.

Superintendent's statement of expenses where townships support poor respectively. What to exhibit.

Sec. 42. In those counties in which a poor-house shall be established, or a place provided by the superintendents for the reception of the poor, and in which the several townships shall be liable for the support of their poor, respectively, it shall be the duty of the superintendents annually, and during the week preceding the annual meeting of the board of supervisors, to make out a statement of all the expenses incurred by them the preceding year, and of the moneys received, and exhibiting the deficiency, if any, in the funds provided for the defraying of such expenses; and they shall apportion the said deficiency among the said several townships, in proportion to the number and expenses of the paupers belonging to the said townships respectively, who shall have been provided for by the said superintendents, and shall charge the said townships with the said proportions; which statement shall be by them delivered to the county treasurer, as before directed.

Apportionment of deficiency.

Statement delivered to county treasurer.

County treasurer shall present acc. unt to board of supervisors at annual meeting, etc.

Sec 43. At the annual meeting of the board of supervisors, the county treasurer shall lay before them the account so kept by him; and if it shall appear that there is a balance against any township, the said board shall add the same to the amount of taxes to be levied and collected upon such township, with the other contingent expenses thereof, together with such a sum for interest, at the rate of seven per centum per annum, as will reimburse and satisfy any advances that may be made, or that may have been made from the county treasurer for such township, which moneys, when collected, shall be paid to the county treasurer.

Sec. 44. On the Tuesday next preceding the annual township meeting of every township, the supervisors of their respective towns shall lay the said original books before the township board, together with a just and true account of all moneys by them received and expended for the use of the poor, and in what manner, together with an account of the earnings of the poor persons by them employed, which account shall be verified by the oath of the supervisor, and shall be filed with the township clerk. The township board shall compare the said account with the entries in the poor books aforesaid, and examine the vouchers in support thereof, and shall audit and settle the same, and state the balance due from such supervisor, or to them, as the case may be. No credit shall be allowed to any supervisor for moneys paid, unless it shall appear that such payment was made pursuant to a legal order.

When supervisors to present original books, etc., to town board.

Town board to compare accounts, etc.

When credit allowed to supervisor.

Sec. 45. Every such supervisor who shall refuse or neglect to present such original books, or to exhibit such accounts to the township board, as required in the preceding section, shall forfeit the sum of two hundred and fifty dollars, to be recovered by and in the name of the treasurer of such township.

Penalty for neglect to exhibit accounts, etc.

Sec. 46. In those counties where the respective townships are made liable for the support of their poor, it shall be the duty of the township clerk to examine, at the annual township meetings, the accounts for the support of the poor therein the preceding year, as the same shall have been allowed and passed by the township board, which accounts shall be openly and distinctly read by the clerk of the meeting; and the supervisors of their respective towns shall also present an estimate of the sum which they shall deem necessary to supply any deficiency of the preceding year, and to provide for the support of the poor for the ensuing year.

Duty of township clerk at annual township meeting.

Estimate by supervisor.

Sec. 47. The inhabitants of such township shall thereupon, by a vote of a majority of the persons qualified to choose township officers, determine upon the sums of money which shall be assessed upon the said township the ensuing year for

Electorate to determine amount to be assessed.

Amount raised paid to county treasurer.

the purpose aforesaid. The sum so voted, when raised and collected in those counties where a county poor-house, or other place shall have been provided for the reception of the poor, shall be paid to the county treasurer, and by him placed to the credit of the township.

Accounts of supervisors and justices; by whom audited and paid.

Sec. 48. The accounts of such supervisors, and of justices of the peace, for any personal or official services rendered by them in relation to the poor, except county paupers, shall be audited and settled by the board of supervisors, and the sums thus audited and allowed shall be paid by the county treasurer; and if such services were rendered in behalf of any township liable to support its own poor, the same shall be charged to such township. No allowance for time or services shall be made to any officer for attending any board with any accounts, for the purpose of having the same audited or paid.

Certain allowances shall not be made.

Duty of supervisor relative to suits for recovery of penalties.

Sec. 49. Whenever it shall be made to appear to the satisfaction of any supervisor, either upon complaint or otherwise, that a penalty has been incurred by the violation of any provisions of the laws of this State, which such supervisor is required by law to collect, it shall be his duty immediately to commence a suit for such penalty, and to prosecute the same diligently to effect.

Allowance of certain costs to supervisor.

Sec. 50. In auditing the accounts of any supervisor, by the proper township board, allowance shall be made to such supervisor for all costs to which he may have been subjected, or which may have been recovered against him, in any suit brought by him pursuant to law; and he shall also be allowed the same daily [pay] for attending to any such suit, as is allowed him for the performance of his official duties.

Credit for such allowances, etc.

Sec. 51. Such allowances may be credited to them, in their accounts for moneys collected for penalties, and may be deducted from such moneys; and the balance of such penalties shall be paid over to the township or county treasurer, as directed by law, in respect to such penalties.

Sec. 52. It shall be the duty of the supervisors of such townships which make their poor a township charge, on or before the first day of October in each year, to report to the county superintendents of their respective counties, in such form as they shall direct, the number of paupers that have been relieved or supported in such township the preceding year, and the whole expense of such support.

Certain supervisors to report to superintendents.

Sec. 53. Any supervisor who shall neglect or refuse to make such report, or who shall willfully make any false report, shall be guilty of a misdemeanor, and on conviction thereof be subject to a fine of not exceeding one thousand dollars, to be recovered by the prosecuting attorney of the county, in the name of the people of this State, and to be paid into the county treasury.

Penalty for neglect to report, or for a false report.

Sec. 54. At any annual meeting of the board of supervisors of any county, they may by a two-thirds vote, restore or abolish the distinction between town and county poor.

Power of board of supervisors.

Sec. 55. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Acts repealed.

Approved April 5, 1869.

[No. 149.]

AN ACT to authorize the formation of corporations for the purpose of improving the navigation of rivers.

SECTION 1. *The People of the State of Michigan enact, That* any number of persons may associate for the purpose of improving the navigation of any river in this State, by deepening the channel thereof and the construction of dams therein, and canals to connect therewith, upon such terms and conditions, and subject to such liabilities as are prescribed in this act, and to take and receive such amounts of toll for the passage of vessels, boats, rafts, timber, logs, and lumber through such river, when the navigation shall be thus improved, as the board

Formation of corporations.

of control of the St. Mary's Falls Ship Canal may prescribe, as herein provided.

Certificate of
corporation.

Sec. 2. Such persons, under their hands and seals, shall make a certificate which shall specify:

Contents.

1. The name of the corporation;
2. The stream and section of the stream, the navigation of which it is proposed to improve;
3. A statement of the amount of capital stock of such company, and the number of shares into which the capital stock shall be divided;
4. The names and places of residence of the stockholders, and the number of shares held by each of them respectively;
5. The names of the first directors, being not less than three, or more than seven;
6. The place in this State where their office for the transaction of business is located;

Certificate
shall be acknowledged;
where recorded and
filed.

7. The term of existence of such corporation, which shall not exceed thirty years; which certificate shall be acknowledged as deeds are required to be acknowledged, and recorded in the office of the clerk of the county in which the office of said company for the transaction of business is located, and a copy thereof filed in the office of the Secretary of State.

Body politic
and corporate.

Sec. 3. Upon complying with the provisions of the last preceding section, such company shall be a body corporate, by the name designated in said certificate, and as such shall be capable of suing and being sued in all courts and in all manner of actions, and may have a common seal, and may by by-laws prescribe the manner of calling and conducting the meetings of the stockholders, and shall possess the powers and privileges, and be subject to the provisions contained in chapter fifty-five, of title ten, of the revised statutes of A. D. one thousand eight hundred and forty-six, entitled "General provisions relating to corporations," as far as the same shall be applicable, and not inconsistent with the provisions of this act.

Subject to
former law.

Sec. 4. No company formed or created under this act shall be authorized to improve the navigation of any stream under the provisions of this act, until they shall have obtained the assent in writing, of the Governor and Attorney General of this State.

Consent of Governor and Attorney General shall be obtained.

Sec. 5. After the organization of any such company as aforesaid, they may prepare a map of the section or sections of the stream or streams the navigation of which they propose to improve, and a plan for the improvement of the same, which shall show and set forth the several points in such stream where improvements are proposed to be made, and the nature and character of such improvements. Upon any such map and plan being submitted to the said board of control, at any meeting thereof, it shall be the duty of said board to examine the same; and, if in the opinion of such board the construction of such improvement will be a public benefit, and that said company is a proper company to make the same, they shall endorse upon such map and plan their approval thereof, and their assent to the construction of the improvements proposed, and shall fix the time within which the same shall be completed by such company. Said board of control may, in their discretion, alter or amend such plan before approving the same, or may, at any time after such approval, consent to the alteration of such plans, upon the petition of the company which shall have presented the same.

Map and plan of stream to be made.

Map and plan submitted for examination to board of control.

Power of board to alter or amend plan, etc.

Sec. 6. The business and property of such company shall be managed and directed by a board of not less than three nor more than seven directors, who, after the first year, shall be elected annually, or once in two years, as the by-laws of said company shall direct, and at such time and place as said by-laws may direct; and public notice shall be given of the time and place of holding such election not less than twenty days previous thereto, in such a manner as the by-laws of such company may direct; the election shall be made by such of the stockholders as shall attend for that purpose, either in person

Directors, number, and election of.

Notice of election.

Voting in person or by proxy.

Elections
to be by
ballot, etc.

Vacancy in
board of
directors,
how filled.

Term of, and
qualification
of office.

When elec-
tion is not
held as
provided.

Majority of
directors
may transact
business.

President
and treas-
urer, how
chosen.

Power of
president
and direct-
ors.

Subscrip-
tions to cap-
ital stock.

How capital
may be
increased.

or by proxy. All elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall own shares of stock, and the persons having the greatest number of votes shall be directors. Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of the term, by the remaining directors. The directors shall hold their offices for one or two years, as said by-laws may direct, and until others are elected in their places, and no person shall be a director unless he is a stockholder in said company.

Sec. 7. In case it shall happen that an election for directors shall not be held as provided, the said corporation shall not be for that reason dissolved, but such election shall be held on some future day to be fixed by the directors holding over, upon giving the notice therefor as in this act provided.

Sec. 8. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

Sec. 9. The directors, at their first meeting after their election, shall choose, by ballot, one of their number as president, and one as treasurer, and they shall supply any vacancy in the office of president or treasurer, whenever the same shall occur.

Sec. 10. The president and directors shall have power to make and prescribe such by-laws, rules, and regulations respecting the transfer of stocks, and the management and control of the affairs and property of such corporation, as they may deem best, not inconsistent with the laws of the United States or of this State, and shall have power to appoint and employ officers, clerks, agents, and servants for conducting and carrying on the business of such incorporation, and determine their duties and salaries, and wages to be paid to them.

Sec. 11. The directors of any such company may at any time receive subscriptions to stock in said company until the whole amount of the stock mentioned in their articles of association shall be subscribed; and whenever, in the judgment of the directors, it shall be necessary to increase the capital stock of

any such company for the extension or more perfect completion of such proposed work, or to provide lands and buildings needful for its use, it shall be competent for such directors, with the approval or ratification of the holders of a majority of the capital stock, at any lawful meeting of stockholders, to provide for such increase; and in all cases where such capital stock is increased, a certificate thereof shall be signed, certified, and filed as hereinbefore required in case of the original articles of association.

Certificate of increase to be recorded and filed.

Sec. 12. The directors may call in subscriptions to the capital stock of such corporation by installments, in such portions, and at such times and places as they shall think proper, by giving notice thereof as the by-laws shall prescribe; and in case any stockholder shall neglect or refuse payment of any such installment for the space of sixty days after the same shall become due and payable, and after he shall have been notified thereof, the stock of such delinquent stockholder may be sold by the directors at public auction, at the office of the secretary of the corporation, giving at least thirty days' notice in some newspaper published in the county: *Provided*, That if said stockholder shall reside in this State, the stock shall be sold at the business office of said corporation, in the county in which they are doing business, giving at least thirty days' notice thereof in some newspaper published in the county; if no newspaper be published in the county in which such corporation transacts their business, then it shall be published in the newspaper in the city of Detroit which shall have at the time the largest circulation; and the proceeds of such sale shall be first applied in payment of the installment called for, and the expenses on the same, and the residue shall be refunded to the owner thereof; and such sale shall entitle the purchaser to all the rights of a stockholder, to the extent of the shares so bought.

Subscriptions, how may be called in.

When stock may be sold at auction.

Provided.

Sec. 13. Every such corporation organized as hereinbefore prescribed, may make the improvements thus set forth in said plans, after the same shall have been approved by said board

When corporation may make improvements.

Powers, liabilities and restrictions.

of control, and for this purpose shall have the following powers, and be subject to the liabilities and restrictions following, that is to say:

Power to make examination and surveys.

1. To cause such examinations and surveys for the proposed improvements, whether of dams, canals, or deepening of the channel, to be made along the stream whose navigation it is proposed to improve, as may be necessary to prepare for the work to be done, and by their officers, agents, and servants, to enter upon the lands or waters of any person or company, but subject to liability for all damages which they shall do thereto;

Enter upon lands, etc.
Liability for damages.

Power to purchase, etc., lands, etc.

2. To purchase, and by voluntary grants and donations, to receive, enter upon, take, hold, and use all such lands and real estate, and other property as may be necessary for the construction and maintenance of the work proposed in the approved plans of such company;

To divert waters from lakes into streams, etc.

3. To divert into such stream to be improved, waters from any lake or lakes in the vicinity thereof, by canals to be constructed for that purpose; to divert the water from the present channel of the stream to be improved, by cutting across bends in said river; to flood lands by constructing the necessary dams, according to the plans approved as aforesaid, and to enter upon, take, and use any lands which may be necessary for the purpose of constructing and maintaining such works and improvements: *Provided*, That the necessity for such diversion of the water, flooding of lands, and of taking such lands for such purposes, and the damages to be paid therefor, in each case of diversion of water, flooding of land, or taking of the same, shall be ascertained, and such damages paid, as provided for in sections thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-

Proviso.

Law governing payment of damages.

two, twenty-three, twenty-four, and twenty-five of an act entitled "An act to provide for the formation of companies to construct plank roads," approved April eighth, one thousand eight hundred and fifty-one, being sections one thousand eight hundred and ninety-four to one thousand nine hundred and five inclusive, of the compiled laws, and the amendments thereto.

Sec. 14. It shall be the duty of such company to complete the improvements contemplated by the plans approved, as aforesaid, within the time which shall be prescribed by the said board of control, at the time said plans shall be approved by said board of control, and in case of failure so to do, said company shall forfeit all right to collect tolls of any person or persons whatever, who shall use for the purposes of navigation the improvements made by such company, unless the time for completing the same shall have been previously extended by said board of control, upon good cause shown.

Liable to forfeiture of right to collect tolls.

Sec. 15. Whenever any portion of said work shall be completed to the satisfaction of said board of control, and it is so far useful that in the opinion of said board of control, tolls should be paid for the use thereof, said board may fix the tolls to be paid for the use of such portion, until the whole of said work is completed; and whenever said improvements have been completed and accepted by said board of control, the rates of toll or fare which any company organized under this act may charge for running vessels, boats, rafts, timbers, logs, or lumber through such improved stream, shall be fixed by said board of control, and may be graduated with reference to the distance run upon said river, and shall not be increased without the consent of said board, but may be changed from time to time by such board. But such toll shall not at any time be increased so that the sum shall amount to more than fifteen per cent. a year upon the cost of such improvements, after deducting necessary expenses, including repairs, and the collection of such tolls shall be confined strictly to that part or portion of a river or stream so improved, and to that class of floatables benefited by the improvement; and nothing in this act shall be construed to give jurisdiction to any corporation over any portion of a river or stream other than the portion specifically improved by such corporation.

Tolls, by whom fixed, etc.

Limit to amount of tolls.

Sec. 16. Any stream improved under this act shall be open to all persons for use, upon the payment of tolls prescribed aforesaid, for the passage of vessels, boats, logs, rafts, timber,

Improved streams shall be open to all, on payment of tolls, etc.

and lumber through such improved stream or waters, and uniform rates of toll shall be charged to all persons, whether stockholders in such company or not.

How tolls collected.

Sec. 17. Whenever said tolls are prescribed as aforesaid, the directors thereof may collect the same from persons using such improved portions of such stream or waters, at such places and in such manner as said company may deem expedient.

Lien had upon floatables, may sell to satisfy claims for tolls.

Sec. 18. Such company shall have a lien upon all logs, rafts, timber, or lumber, or other floatables driven, rafted, or run through such stream or waters upon which toll shall be due, for such toll, and may sell a sufficient quantity of such logs, timber or lumber, or other floatables to satisfy said claim or demand, with the expense of such sale, at public auction, on not less than ten days' notice, either personally served upon such owner, or posted in three or more conspicuous places in the township where such logs are held, and in either case by posting a like notice, also, in the office of such company, of the mark, description, and supposed owner of such logs, timber or lumber, and the charges for which the same is to be sold.

Notice of sale, etc.

Board of directors shall keep stream in good condition.

Sec. 19. The board of directors of any such company shall at all times after commencing the collection of any tolls from persons using said improved stream or waters, keep such portions of the stream or waters clear of all unnecessary obstructions, and in good condition for the passage of rafts, timber, logs, lumber, vessels, or boats for which toll is charged, and in case of any dilapidation or obstruction which is calculated to endanger or delay the passage of rafts, timber, logs or lumber, boats or vessels as aforesaid, it shall be the duty of the board of directors, without unnecessary delay, to make such repairs as shall restore such stream or waters to their proper condition; and in case said board of directors shall fail to comply with the provisions of this section, the corporation shall, for every such neglect or refusal, be liable to a forfeiture of one hundred dollars, to be recovered in an action of debt, by any person aggrieved or injured thereby: *Provided*, That in all cases one of said board of directors shall first have been no-

Liability for neglect so to do.

Proviso.

tified of such defect, and the necessary time for its repair shall have elapsed after such notice and before the commencement of such suit.

Sec. 20. If any person shall willfully obstruct any stream, or waters improved under the provisions of this act, or any part thereof, or shall willfully destroy or injure any buildings, piers, dams, fixtures, banks, or other constructions in use upon the same belonging to said company, such person or persons so offending shall, for every offense be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail not more than one year, in the discretion of the court.

Sec. 21. If any person or persons shall put, or cause to be put into said stream or waters, any logs, timber or lumber, and shall not make adequate provisions and put on sufficient force for breaking jams of such logs, timber, or lumber in or upon such stream or waters, or for running, rafting or driving the same, and thereby obstruct the floatage or navigation, it shall be lawful for such company to cause such jams to be broken, and such logs, lumber, or timbers to be run, driven, boomed, rafted or secured, at the charge and expense of the person or persons owning said logs, timber or lumber; and said company shall have a lien upon such logs, timber or lumber, as shall be sufficient to pay and satisfy all just and reasonable charges therefor, and expense and cost thereof, and shall be entitled to take and retain possession of such logs, timber, or lumber, or so much thereof as may be necessary to satisfy the amount of such charges for breaking such jams, and for driving, booming, rafting, and running of said logs, timber or lumber, and expenses and costs thereon, until the same be satisfied and paid; and such corporation shall proceed to collect such charges, costs and expenses, in the manner hereinafter prescribed.

Sec. 22. Any such corporation claiming any lien, may bring an action of assumpsit against the owner of such property, to determine and satisfy the amount of such lien. The proceedings in such action shall be in accordance with the practice of

Punishment
for willfully
obstructing,
etc., etc.

Obstructing
floatage with
logs, etc.

Company
shall have
lien on such
logs, etc.,
for expenses
of removing.

Action of
assumpsit
may be
brought to
satisfy lien.

Proceedings
in such ac-
tion.

the courts in which such action is commenced, in actions of assumpsit, and the property so held may be levied upon and sold to satisfy any judgment which may be rendered against such owner, together with all costs of such suit, including the costs and expenses of providing for the care and safety of such property.

Proceedings
when owner
of such logs
cannot be
ascertained.

Sec. 23. If the owner of such logs, timber, or other floatables cannot be ascertained, or is without the jurisdiction of the court, the proceeding to ascertain and determine the amount of such lien may be against the property, and commenced by filing the petition of said corporation claiming such lien, in the proper court, which shall contain a statement of the nature and amount of the claim, and a description of the property seized, and that the owner of such property is unknown, or is without the jurisdiction of the court, and praying for a judgment against such property for the amount of such claim, which petition shall be verified by the oath of the president of such corporation filing the same, or its agent or attorney. The plaintiff shall thereupon, and before any trial

Plaintiff's no-
tice, publica-
tion of, be-
fore trial.

shall be had, or judgment rendered in such proceeding, cause a notice to be published for four successive weeks, at least once in each week, in some newspaper printed and circulated in such county, or if none is printed and circulated in such county, then in such other newspaper published in this State as such court shall direct, which notice shall state the title of the court, the name of the plaintiff, the name of the owner of the property taken, if known, the nature and amount of the claim, and the description of the property upon which the lien is sought to be enforced. The owner of such property shall

Contents of.

When
owner may
appear to
defend, etc.

have a right to appear and defend in such proceedings, at any time before judgment, upon such terms as the court shall direct; and in case of his appearance, an issue shall thereupon be formed as in actions of assumpsit, and all subsequent proceedings in such case shall be in accordance with the practice of such court in actions of assumpsit. If the owner shall fail to appear in such proceeding, the court may proceed *ex parte*

If owner fail
to appear.

to hear, try, and determine the facts alleged in such petition, and render such judgment thereon as justice may require. If judgment shall be rendered in favor of such plaintiff, the court shall thereupon order that the property covered by such lien, or as much thereof as may be necessary, be sold to satisfy the amount of such judgment, with costs.

If When court shall order sale of property covered by lien.

Sec. 24. On or before the first Monday in January in each year, it shall be the duty of the directors of every company formed under this act, to report to the Secretary of State, under the oath of at least two of the directors, the length of the stream or waters so improved, the cost of such improvements, the amount of money expended, the amount of their capital, how much of the same is paid in, and how much is expended, the whole amount of tolls or earnings expended on such improvement, the amount received during the previous year for tolls, and from all other sources, stating each separately, the amount set apart for repairs, the amount of dividends made, and the amount of indebtedness of such company, specifying the object for which such indebtedness accrued.

Annual report to Secretary of State.

Contents.

Sec. 25. Each and every company formed under this act, shall pay to the Treasurer of the State of Michigan an annual tax, at the rate of one per cent. on the whole amount of capital paid in upon the capital stock of said company, which tax shall be estimated upon the last preceding report of said company, and shall be paid to the said Treasurer on the first Monday in July of each year, and shall be in lieu of all other taxes upon all the property of said company.

Tax of one per cent. on paid capital, authorized.

How estimated.

Sec. 26. The stockholders of every company organized in pursuance of this act, shall be jointly and severally personally liable for the payment of all debts and demands against such association, which shall be contracted, or which shall be or shall become due during the time of their holding such stocks, for any labor or services done or performed for such company; but no stockholder shall be proceeded against for the collection of any debt or demand against such company, until judgment thereon shall have been obtained against the association, and

Liability of stockholders for payment of corporate debts.

When proceedings may be had against stockholders.

an execution on such judgment shall have been returned unsatisfied, in whole or in part, or unless such association shall be dissolved.

Shares deemed personal property.

Sec. 27. The shares of any company formed under this act shall be deemed personal property, and may be transferred as shall be prescribed by the by-laws of such company.

Service of process; upon whom may be served.

Sec. 28. Service of any legal process against any such corporation may be made on the president, treasurer, or upon any one of the directors of such company.

Companies subject to general laws.

Sec. 29. All companies formed under this act shall at all times be subject to all general laws in force, relative to corporations.

Sec. 30. This act shall take immediate effect.

Approved April 5, 1869.

[No. 150.]

AN ACT to amend chapter one hundred and eighty-one, of the compiled laws, relative to offenses against property, by adding thereto section fifty-three.

Section added.

SECTION 1. *The People of the State of Michigan enact, That* chapter one hundred and eighty-one, of the compiled laws, be and the same is hereby amended by adding thereto section fifty-three, to read as follows:

Jurisdiction of officer or court; in county where complainant's place of business may be.

Sec. 53. Whenever any of the crimes defined in sections twenty-nine and thirty-six of said chapter, shall be committed in any county of this State, it shall be lawful for any officer, or court having jurisdiction of criminal cases of the county where the complainant's principal place of business may be, within this State, to issue a warrant for the arrest of the accused, and to hear, try, and determine the case, the same as if the crime had been committed in the county where the complaint is made.

Approved April 5, 1869.

[No. 151.]

AN ACT to provide for the formation of joint stock companies for the purpose of owning and maintaining skating parks or rinks.

SECTION 1. *The People of the State of Michigan enact, That* ^{Formation of corporation.} any number of persons, not less than ten, desiring to form a corporation for the purpose of constructing, owning, and maintaining any skating park or rink in any city, village, or township in this State may, by articles of agreement in writing, under their hands and seals, associate for that purpose, under ^{Name of} a name to be assumed by them in their articles of association: *Provided, That* no two shall assume the same name: *And pro-* ^{Proviso.} *vided further, That* any association or company of individuals ^{Ibid.} now owning property for the purposes aforesaid, may be incorporated under and on complying with the provisions of this act.

Sec. 2. Such articles of association shall be signed by the ^{Articles; contents of.} persons associating in the first instance, and be duly acknowledged before some officer of this State authorized by the laws of this State to take acknowledgment of deeds, and shall set forth:

First. The name by which the corporation shall be known in the law.

Second. Definitely and distinctly the purposes for which the corporation is formed.

Third. The amount of their capital stock, and the number of the shares thereof.

Fourth. The names of the stockholders, their respective residences, and the number of shares held by each.

Fifth. The city, village, or township in which the office for the transaction of their business shall be located, and where their business is to be carried on: *Provided, That* such office shall be located within the county where such business is carried on.

Sixth. The term of the existence of such corporation, which shall not exceed thirty years.

Ibid.

Seventh. The number of the directors of the corporation, and the names of those who shall be directors for the first year.

Eighth. The names of its president, secretary and treasurer, and their respective places of residence.

Filing, etc.,
of articles.

Sec. 3. The articles of such association shall be filed in the office of the Secretary of State, and a duplicate of said articles shall be filed and recorded at length, in the office of the county clerk in the county where such association is located; and thereupon all persons who shall have subscribed the same, and all persons who shall from time to time become stockholders in such company, shall be a body politic and corporate, by the name specified in such articles, and by such name they and their successors shall have succession, and in their corporate name be capable in law of owning, holding, or purchasing and disposing of, in any manner, any real or personal property, or estate whatsoever, not exceeding in value ten thousand dollars, and they shall be capable and liable of suing and being sued in all courts of law and equity in this State, and may have a common seal, and may alter and change the same at pleasure.

When shall
be body polit-
ic and cor-
porate.May have
a seal.Effect of
copy of ar-
ticles.

Sec. 4. A copy of any articles of association, filed and duly recorded in any county clerk's office in pursuance of this act, and certified by the county clerk under his hand and seal, to be a true copy thereof, and the whole of such articles of association, shall be in all courts and places *prima facie* evidence of the due incorporation of such company, and of the facts therein stated.

Amount of
capital shall
be fixed, etc.,
by the stock-
holders, etc.

Sec. 5. The amount of the capital stock of every such corporation shall be fixed and limited by the stockholders in their articles of association, and shall in no case be more than ten thousand dollars, and shall be divided into shares of twenty-five dollars each, and such certificates of stock shall be signed by the president and secretary of the company, and sealed with its corporate seal.

Sec. 6. Every such corporation shall hold their annual meeting of stockholders on the first Monday of February of each year. Twenty days' notice of the time and place shall be given as hereinafter provided: *Provided*, That if for any reason it is not held thereon, the corporation for that reason shall not be dissolved, but it may be held pursuant to public notice given by the directors within thirty days thereafter, or by a majority of said directors; said notice to be given at least fifteen days before such meeting, to be published in a daily paper published in the county where their principal office is located, if there is any printed therein: *Provided*, That if notice is given personally or by mail to each stockholder, addressed to him at his place of residence, as the same appears by the books of the company, no publication shall be necessary.

Annual meeting.

Notice of
Provide.

Ibid.

Sec. 7. At each annual meeting such corporation shall make a report to the stockholders, signed by a majority of the board of directors, verified by the oath of the president and secretary of said corporation, containing—

Board of directors shall make annual report to stockholders.

First. The amount of capital actually paid in;

Contents.

Second. The amount invested in real estate, with a general description of the same;

Third. The amount of personal estate, with a general description thereof;

Fourth. The amount of their debts and credits, as near as may be;

Fifth. A general condensed statement of their business and financial condition;

Sixth. The name of each stockholder and his residence, and the number of shares held by him, as appears by the books of said corporation at the date of such report; and if any person shall knowingly swear or affirm falsely in said report, he shall be deemed guilty of perjury, and punished accordingly.

Sec. 8. When any corporation shall be formed under the provisions of this act, any four of those associated may call the first meeting of such corporators, at such time and place as

Call for first meeting.

they may appoint, giving notice as is provided in section six of this act.

Directors;
powers of.

Sec. 9. The stock, property, and affairs of such corporation shall be managed by a board of directors, to consist of not less than five nor more than seven, as their articles of association shall determine, who shall be stockholders of the company,

Election of.

Term of
office.
Notice of
election.

who shall be elected annually, and shall hold their office for one year and until their successors shall be elected. The election shall be made pursuant to notice as hereinbefore provided, by such of the stockholders as shall attend for that purpose, either in person or by proxy. In all elections, each

How stock
represented
in voting.

stockholder shall be entitled to cast one vote for each and every share he shall own of the stock of such company, and the persons having the greatest number of votes shall be directors.

Vacancies;
how filled.

Whenever any vacancy shall happen in the board of directors, such vacancy shall be filled for the remainder of their term by

Directors
shall be
stockhold-
ers.

Stockhold-
ers who
have not
paid assess-
ments shall
not vote.
Provido.

the remaining directors; and no person shall be a director unless he shall be a stockholder in said company; and no stockholder shall vote at any election, who has not paid all assessments then due on stock held by him: *Provided*, That if any director shall cease to own any of the stock of said corporation he shall cease to be a director.

Power of
majority of
board.

Sec. 10. A majority of the directors shall be a board for the transaction of business, and the acts of a majority of the board shall bind the corporation.

President,
secretary,
and treasurer,
etc., how
chosen.

Sec. 11. The directors shall choose from their number, by ballot or otherwise, as they shall direct by their by-laws, a president, secretary, and treasurer, and shall have power to appoint or employ such other subordinate officers, agents, or employes as the by-laws of the corporation shall designate, or such as shall be necessary to the proper accomplishment of the purpose of the corporation; and such board of directors shall have power to remove such president, or other officer of such corporation, or agents, or employes, for cause, and

Removals
from office,
etc.

appoint others in their places; such officers shall be elected Terms of office. annually, and shall hold their office for one year, and until their successors shall be elected.

Sec. 12. The directors shall have power to make such reason- By-laws. able by-laws, not inconsistent with the laws of the State, or of the United States, as they shall deem proper for the management and disposition of the property, affairs, and concerns of said corporation, for prescribing the powers and duties of the officers and employés of said company, and may alter and amend the same at their will and pleasure.

Sec. 13. It shall be the duty of the directors of any such Directors shall cause books to be kept by secretary or treasurer, containing, etc. corporation to cause proper books to be kept by the secretary or treasurer, containing the names of all persons who are, or shall within six years become subscribers to the capital stock of said corporation, and wherein shall be entered all matters and things pertaining to the affairs and business of said corporation, and just and true books of account; and the books of said corporation, containing their business and accounts, shall at all reasonable times be open for the inspection of any of the stockholders: *And provided,* That no transfer of the certificate Provided. of the stock of such corporation shall be valid, without the name being duly entered, of the person to whom transferred, on the books of the corporation.

Sec. 14. The stock of every such corporation shall be deemed Stock deemed personal property. personal property, and may be transferred as shall be prescribed by the by-laws of the corporation. The directors of any such Subscription may be received by directors until whole is subscribed. company may, from time to time, receive subscription to stock in said company, until the whole amount of the stock of the When certificates may be issued. association shall be subscribed; but no certificate of shares in any such company shall be issued until the whole amount of the shares mentioned in such certificate shall have been paid in full to the company.

Sec. 15. The directors may require the subscribers to the Payment of subscription. capital stock of the company, to pay the amount by them respectively subscribed, in such manner, and in such install-

On neglect to pay installment, directors may sue for, or declare stock forfeited.

Notice to be first given.

Liability of stockholders for all labor, etc., for corporation.

Proviso.

Annual reports; contents of.

ments as they may deem proper. If any stockholder shall neglect or refuse to pay any installment, as required by a resolution of the board of directors, the said board shall be authorized to sue for the same in the name of the corporation, or declare his stock and all previous payments thereon forfeited for the use of the company, but they shall not declare it so forfeited, until they shall have caused a notice in writing to be served on him personally, or by depositing the same in the post-office, properly directed to him at the post-office nearest his place of residence, stating that he is required to make such payment at the time and place specified in said notice, and that if he fails to make the same, that his stock, and all previous payments thereon will be forfeited for the use of the company, which notice shall be served as aforesaid, at least thirty days previous to the day on which such payment is required to be made.

Sec. 16. The stockholders of all corporations formed under this act shall be jointly, severally, and individually liable for all labor and services performed for such corporation, which said liability, founded on this statute, may be enforced by a suit at law, in an action of assumpsit, at any time after an execution in favor of the plaintiff shall be duly returned, unsatisfied in whole or in part, against said corporation: *Provided always*, That if any or several of said stockholders shall, by any such proceedings, be compelled to pay any such sum to creditors, he or they may recover the same in full of the corporation, or may compel the stockholders, jointly or severally, or any number of them, to contribute ratably to reimburse him or them, in an action at law, or in chancery.

[Sec. 17. All corporations formed under the provisions of this act, shall annually, in the month of March, make a report which shall state the amount of capital stock actually paid in, and the amount of money borrowed, if any, which report shall be signed by a majority of the directors, and verified by the oath of the president or secretary, and be filed in the office of the clerk of the county where its articles are filed.]

Sec. 18. Service of any summons, declaration, notice, or other process or paper, upon any incorporation formed under this act, may be made on the president, secretary or treasurer, if either are to be found within the county where their articles are filed; if neither of them can be found therein, then such service may be made by posting a true and certified copy thereof, in some conspicuous place, at the general office of said corporation.

Service of
summons,
etc.; on
whom may
be made.

Sec. 19. Corporations formed under this act shall be subject to the provisions of chapter seventy-three, of the compiled laws of this State, so far as the same may be applicable, and except as herein otherwise provided.

Subject to
former law

Sec. 20. This act shall take immediate effect.

Approved April 5, 1869.

[No. 152.]

AN ACT to authorize the incorporation of building and savings' associations, under the provisions of chapter fifty-six of the compiled laws, and the acts amendatory thereof.

SECTION 1. *The People of the State of Michigan enact*, That corporations for building and savings' associations may be formed and incorporated under the provisions of chapter fifty-six of the compiled laws, being "An act to authorize the formation of corporations for building and leasing houses and other tenements," approved February 12, 1855, and the acts amendatory thereof, and shall be constituted upon the principle of mutual benefits between the stockholders thereof, for the purpose of securing homes to the stockholders; and the articles of association required by section three, of chapter sixty-three, of the compiled laws, need not state the amount of capital stock actually paid in.

Formation
of corpora-
tions.

Sec. 2. The capital stock of such corporations shall be contributed by the stockholders, in initiation fees, and in weekly or monthly sums of money, as shall be provided by the by-laws of said corporations.

Capital
stock.

Limit to.

Sec. 3. The capital stock of said corporations shall not exceed the amount of three hundred thousand dollars.

Articles;
contents of.

Sec. 4. The articles of association shall state, in addition to the requirements of section four of said chapter sixty-three:

First. The maximum amount of initiation fees, and of weekly or monthly sums of money which each stockholder may be required to pay, and the time of payment thereof;

Second. The amount of stock which each stockholder shall be entitled to for the money he pays;

Third. In what manner the capital of the corporation shall be used;

Fourth. The exact benefits to which each stockholder shall be entitled.

Report on
uses of
money, etc.

Sec. 5. In addition to the facts required to be reported by section five, of said chapter sixty-three, the said corporation shall report the uses of all moneys they may have received and expended during the year.

How moneys
not to be
used.

Sec. 6. No moneys belonging to the corporations shall be used for the benefit of any person who is not a stockholder therein.

Parents and
guardians
may take,
etc.

Sec. 7. Parents or guardians may take and hold shares in such association, in behalf of their minor children or wards, and may act in such associations in behalf of those they represent, and no premium given for priority of loan, or acquisition of a building, or discount given on the redemption of shares, shall be deemed usurious.

Approved April 5, 1869.

[No. 153.]

AN ACT to provide for an appeal from the board of school inspectors of any school district, to the township board.

When elect-
ors may ap-
peal from
board of
school in-
spectors, to
township
board.

SECTION 1. *The People of the State of Michigan enact, That whenever any five or more tax-paying electors, having taxable property within any school district, shall feel themselves aggrieved by any action, order, or decision of the board of*

school inspectors, with reference to the formation, or any division, or consolidation of said school district, they may at any time within sixty days from the time of such action on the part of said school inspectors, appeal from such action, order, or decision of said board of school inspectors, to the township board, or boards of the township in which such school district is situated; and in case of fractional school districts, such appeal shall be made to the several township boards of the several townships in which the different parts of said fractional school district are situated, who shall have power, and whose duty it shall be to entertain such appeal, and review, confirm, set aside, or amend the action, order, or decision of the board of school inspectors thus appealed from; or, if in their opinion the appeal is frivolous, or without sufficient cause, they may summarily dismiss the same.

Powers and duties of township board.

Sec. 2. Said appellants shall, before taking such appeal, make out and file with the board of school inspectors, or in case of fractional school district, to the joint boards of school inspectors, a written statement to be signed by said appellants, setting forth in general terms the action, order, or decision of the board or boards of school inspectors with respect to which the appellants feel themselves aggrieved, and their demand for an appeal therefrom to the township board or boards of said township, and shall also cause to be executed and signed by one of their number, and by two good and sufficient sureties, to be approved by the clerk of said board or boards of school inspectors, or by any justice of the peace of the township, and filed with the clerk of said board or boards of school inspectors, a bond to the people of the State of Michigan, in the penal sum of two hundred dollars, conditioned for the due prosecution of said appeal, before said township board or boards, and also, in case of the dismissal of said appeal as frivolous, by said township board, for the payment by said appellants of all costs occasioned to the township, by reason of said appeal.

Appellants shall file with board of inspectors, statement of cause of appeal, etc.

Bond shall be executed by appellants.

Where filed.

Sec. 3. Upon the filing of such appeal papers and bond with the said board or boards of school inspectors, the said board

When appeal is filed.

Duty of
board of
inspectors.

or boards of school inspectors shall, within ten days thereafter, make out and file with the clerk of said township, a full and complete transcript of all their proceedings, actions, orders, or decisions with reference to which the appeal is taken, and of their records of the same; also, said bond and appeal papers, and all petitions and remonstrances, if any, with reference to the matters appealed from; and upon the filing of the same with the township clerk, the said township board or boards shall be deemed to be in possession of the case, and if the return be deemed by them insufficient, may order a further and more complete return by said board or boards of school inspectors, and when such returns shall by them be deemed sufficient, they shall proceed with the consideration of the appeal, at such time or times, within ten days after such return, and in such manner, and under such affirmation, amendment or reversal of the action, order, or decision of the board or boards of school inspectors appealed from, as in their judgment shall seem to be just and right; or, if they may deem the appeal to be frivolous, they may summarily dismiss the same; but the decision of said board or boards of school inspectors shall not be altered or reversed, unless a majority of such township board, not members of said board or boards of school inspectors, shall so determine.

When town
board deem-
ed to be in
possession
of case, etc.

Approved April 5, 1869.

[No. 154.]

AN ACT to secure uniformity in the surveys, field notes, diagrams, and records of State roads; to require copies to be made, filed and kept, and to provide for the payment of all necessary expenses attending the same.

Duty of local
commis-
sioner, or
other person
having
charge of
the survey of
State roads.

SECTION 1. *The People of the State of Michigan enact, That* in surveying and locating State roads hereafter to be surveyed and located, it shall be the duty of the local commissioner, or other person or persons having charge of the same, to cause the survey to be made on the centre line of the road to be lo-

cated, all the termini and angles to be established with proper monuments, or by noting bearing trees, the course from angle to angle to be accurately given in degrees and minutes, and the distance from one angle to another to be measured, and stated in chains and links. Wherever the line of survey crosses a section line, the point of crossing shall be described by giving the distance of such crossing from a section, quarter section, or meander corner. The magnetic variation of the needle shall be stated. The field notes shall also show the character of the country on the line of said survey, by describing the timber, soil, and general surface of the ground, and shall give the width of all streams at the point where said road line crosses; said field notes shall be made on separate sheets, one sheet for each township through which such road is in whole or in part located; said sheets to be twelve inches square, exclusive of the necessary margin.

Field notes;
how same
shall be
made.

Sec. 2. The surveyor, or the person having charge of the survey, shall make or cause to be made a diagram or map, upon the scale and in the form of the usual government survey plats, being a scale of two inches to the mile; and all of said road which may lie in a given township, as shown by the government surveys, shall be delineated on one plat, or sheet of substantial paper, or map muslin, so as to show all the section and quarter section lines, all streams at the point of crossing, and the exact line of the road. There shall also be shown, by appropriate designs, all improved farms or cleared land, all swamps, marshes, and high hills on the line of said road; and each sheet or plat shall show the number and range of the township which it represents, it being the design to have said plats and field notes in proper form to be bound in book style.

How diagram, or map of survey shall be made.

Sec. 3. One copy of such field notes and diagram shall be filed with the register of deeds of any county in which the said road may be located, so far as the same may lie in such county; and the said registers with whom any such copies may be filed, shall carefully preserve all files in proper order in his said

Copy of field notes and diagram to be filed with register of deeds.

When copy
to be filed in
State offices.

office, and deliver the same to his successor in office. In all cases where said roads are State swamp land roads, there shall also be one such copy filed in the office of the Swamp Land Road Commissioner, at Lansing; and for all other State roads there shall be one such copy filed in the office of the Secretary of State, at Lansing.

Expenses of
survey; how
paid.

Sec. 4. All necessary expenses for making surveys, field notes, and diagrams of such State roads, and the copies required by section three of this act, shall be paid by the several counties, so far as the same shall run through any territory properly chargeable to said county; and it is hereby made the duty of the several boards of supervisors of any of the counties of this State through which any State road may be located, to audit and pay all necessary expenses of the surveys, field notes, diagrams, and copies provided for in this act.

Duty of
board of
supervisors.

Approved April 5, 1869.

[No. 155.]

AN ACT to amend act number seventy-six, of the session laws of one thousand eight hundred and sixty-seven, entitled "An act for the appointment of a commissioner to be known as the Swamp Land State Road Commissioner," approved March twenty-first, one thousand eight hundred and sixty-seven, by adding six new sections thereto, to stand as sections fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen.

Sections
added.

SECTION 1. *The People of the State of Michigan enact*, That act number seventy-six, of the session laws of one thousand eight hundred and sixty-seven, entitled "An act to provide for the appointment of a commissioner to be known as the Swamp Land State Road Commissioner," approved March twenty-first, one thousand eight hundred and sixty-seven, be amended by adding six new sections thereto, to stand as sections fourteen, fifteen, sixteen, seventeen, eighteen, and nineteen of said act, to read as follows:

Sec. 14. That there shall be appointed by the Governor a Governor to appoint swamp land State road commissioner for Upper Peninsula. commissioner to be known as the Swamp Land State Road Commissioner, for the Upper Peninsula, whose term of office shall continue during the pleasure of the Governor, and who shall be an actual resident of the Upper Peninsula, and who shall have the sole charge and care of the State roads in the Upper Peninsula, and may hold his office in the town where he may reside.

Sec. 15. The said Swamp Land State Road Commissioner Powers and duties of commissioner in Upper Peninsula. shall have all the powers, and perform all the duties prescribed in the act to which this act is supplementary, for the Swamp Land State Road Commissioner to have and perform in relation to all State roads and swamp lands in the Upper Peninsula of Michigan, and shall have full authority to decide upon using swamp lands for the construction of road-beds for train, tram, or railroads in the Upper Peninsula, when authorized by law to be so used, and shall have similar power and control over such road-beds, as over swamp land State roads in said Upper Peninsula; and the said Swamp Land State Road Commissioner, provided for in said act number seventy-six, shall have the power, and perform the duties prescribed in said act, in the Lower Peninsula only.

Sec. 16. The said Swamp Land State Road Commissioner for the Upper Peninsula shall send copies of all maps, field notes of surveys, contracts, reports, and other papers relating to the State roads in the Upper Peninsula, to the office of the Swamp Land State Road Commissioner at Lansing, which shall be by said Swamp Land State Road Commissioner laid before the board of control, or Board of State Auditors, in all cases wherein said papers shall by law be required to be laid before such boards, or either of them, for their action or approval; and the same shall thereafter be filed in the office of said Swamp Land State Road Commissioner, and become a part of the files and records of his office: *Provided*, That sections two and three of the act to which this is supplementary, shall not be deemed applicable to the Swamp Land State Road Commissioner Commissioner for Upper Peninsula to send all papers on State roads to Lansing, etc. General commissioner to present said papers to proper board. Provided.

Additional
salary to
clerk of gen-
eral commis-
sioner.

for the Upper Peninsula. But the clerk having charge of the office of the general commissioner at Lansing, shall be paid the sum of two hundred dollars annually, in addition to his salary as provided by the act to which this is amendatory, for the extra labor imposed on him by this act.

Oath and
bond; where
filed, etc.

Sec. 17. The said Swamp Land State Road Commissioner for the Upper Peninsula, before entering upon the duties of his office, shall take the oath prescribed by the constitution, and file said oath, together with a bond in the sum of ten thousand dollars, in the office of Secretary of State, which bond shall be approved by the Board of State Auditors, and shall be signed by not less than two sureties, and shall be conditioned for the faithful discharge of the duties of such office by said commissioner.

Salary of
Commis-
sioner.

Sec. 18. The said Swamp Land State Road Commissioner for the Upper Peninsula shall receive a salary of one thousand dollars a year, which shall be paid out of the State treasury upon the warrant of the Auditor General, as provided in other cases in said act, to which this is supplementary.

Acts
repealed

Sec. 19. All parts of acts conflicting with this act, are hereby repealed.

Sec. 20. This act shall take effect immediately.

Approved April 5, 1869.

[No. 156.]

AN ACT to provide for holding township meetings in certain new townships, in the year eighteen hundred and sixty-nine.

First meet-
ing of town-
ships organ-
ized in 1860;
when may
be held.

SECTION 1. *The People of the State of Michigan enact*, That if any township organized by act of the Legislature of one thousand eight hundred and sixty-nine, shall fail to hold their first township meeting as provided by the act of organization, then in such case it shall and may be lawful to hold such meeting at any time thereafter, by complying with the provisions of section twenty-two, of chapter twelve, of the compiled laws.

Sec. 2. It shall be competent for the electors to vote at any township meeting held under the provisions of section one of this act, on all matters which they might or could have voted on, had the meeting been held on the first Monday in April, one thousand eight hundred and sixty-nine, and with the same effect and force as if so held.

Upon what questions electors may vote at such meeting.

Sec. 3. This act shall take immediate effect.

Approved April 5, 1869.

[No. 157.]

AN ACT to amend section fifty, of chapter one hundred and thirty-four of the compiled laws, relative to ejectments.

SECTION 1. *The People of the State of Michigan enact, That* section fifty, of chapter one hundred and thirty-four of the compiled laws, in relation to allowances for improvements in actions of ejectment, be amended so as to read as follows:

Section amended.

Sec. 50. When the defendant in ejectment, or any person through whom he claims title, by virtue of a sale made by any executor, administrator or guardian, or the Auditor General, or any county treasurer, or other person, or body corporate authorized by any statute to make sale of land for non-payment of taxes shall be evicted, such defendant shall be allowed a compensation for the value of any buildings and improvements on the premises, made by him, or any person through whom he claims title.

When defendant in ejectment allowed value of buildings.

Approved April 5, 1869.

[No. 158.]

AN ACT to amend sections nine, ten, eleven, twelve, thirteen, and fourteen, of chapter thirty-nine of the compiled laws, relative to the support of poor persons by their relatives.

SECTION 1. *The People of the State of Michigan enact, That* sections nine, ten, eleven, twelve, thirteen, and fourteen of

Sections amended.

chapter thirty-nine of the compiled laws, be amended so as to read as follows:

When superintendent to seize and take estate of persons absconding.

Sec. 9. Whenever the father, or the mother, being a widow or living separate from her husband, shall abandon, neglect, or refuse to maintain his or her children, or a husband shall abandon, neglect, or refuse to maintain his wife, leaving any of them chargeable, or likely to become chargeable upon the county for their support, a superintendent of the poor of the county where such wife or children may be, may seize upon and take immediate possession of the goods, chattels, effects, things in action, and the lands and tenements of any such father, mother or husband, wherever the same may be found in the said county; and the said superintendent shall make an inventory of the property so seized, a copy of which shall be left with the owner of the same, or at his or her last known place of residence, together with a notice to appear before a justice of the peace of the said county within one week after such seizure, and show cause why such seizure should not have been made. Said notice shall state the time, place, and officer before whom a hearing may be had.

Inventory, to be made and copy, etc., left with owner.

Notice of hearing.

When approval of inventory by justice is endorsed, rights to property shall be vested in superintendents.

Sec. 10. Upon the due proof of the facts aforesaid, the said justice of the peace shall indorse upon said inventory his approval of the proceedings, and the superintendents of the poor of said county shall then be vested with all the rights and title to the said property, things in action, and effects which the person so abandoning, neglecting, or refusing to support as aforesaid, had at the time of seizure.

Sales by owner after seizure, to be void.

Sec. 11. All sales and transfers of any personal property of such father, mother, or husband, made by him or her, after such seizure by a superintendent, whether in payment of an antecedent debt, or for a new consideration, shall be absolutely void, and the superintendent of the poor having the matter in charge shall return the inventory of the property so seized, with his proceedings thereon, to the next circuit court for the county in which such superintendent resides.

Sec. 12. The said circuit court, upon inquiry into the facts and circumstances of the case, may confirm the said seizure, or may discharge the same; and if the same be confirmed, such court may, from time to time direct what part of the personal property shall be sold, and how much of the proceeds of such sale, and of the rents and profits of the real estate, if any, shall be applied towards the maintenance of the wife and children of the person so abandoning, neglecting, or refusing such support.

Circuit court may confirm or discharge seizure, etc.

Sec. 13. The superintendents shall sell at public vendue the property so ordered to be sold, and recover the rents and profits of the real estate of the person so abandoning, neglecting, or refusing maintenance as aforesaid, and shall apply the same to the maintenance of the wife and children of the person aforesaid, and for that purpose shall draw on the county treasurer therefor, and they shall account to the said county [circuit] court for all moneys so received by them, and for the application thereof from time to time, and may be compelled by said court to render such account at any time.

Sale of property and application of proceeds.

Sec. 14. Whenever a party whose property has been seized by a superintendent of the poor, shall come forward and give such security as shall be approved by two of the superintendents of the poor of such county, that the wife or children of such party shall not become, or thereafter be chargeable to the county, then the property so seized and remaining unappropriated, or the proceeds thereof, after deducting the expenses of the proceedings aforesaid, shall be restored to such party.

When two superintendents may restore property seized, to owner.

Approved April 5, 1869.

[No. 159.]

AN ACT to amend section two, of act number one hundred and sixty, of the session laws of eighteen hundred and sixty-one, entitled an act to amend an act entitled "An act to authorize proceedings against garnishees, and for other purposes," approved March twenty-eighth, eighteen hundred and forty-nine, being chapter one hundred and forty-one of the compiled laws, approved March fifteenth, eighteen hundred and sixty-one.

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-five, of chapter one hundred and forty-one of the compiled laws, as amended by the substitution of a new section in section two, of act number one hundred and sixty, of the session laws of eighteen hundred and sixty-one, be amended so as to read as follows:

Corporations
subject to
garnishees.

Sec. 25. Corporations, other than municipal, may be proceeded against as garnishees, in the same manner, and with the like effect as individuals, under the provisions of this act; and the rules of law regulating proceedings against corporations,

Summons,
on whom
may be
served.

and the summons against the garnishee in such case, may be served on the president, cashier, secretary, treasurer, general or special agent, superintendent, or other principal officer of such

Compliance
with sum-
mons.

corporation; and it shall be the duty of such officer, so sued, or of the proper officer of such corporation, having knowledge of the facts, to appear before the justice at the return day of such summons, or in case said corporation has its business office in any township other than that in which said justice holds his office, to answer, at his option, in writing, verified by his oath, before some person authorized to administer oaths, and transmit the same, by mail or otherwise, to the justice issuing said summons, on or before the return day thereof, which shall be deemed a sufficient compliance with such sum-

When corpo-
ration shall
be held for
amount of
original
judgment.

mons; and unless he shall so appear or so answer, such corporation shall be held to be indebted to the defendant on the original suit, to the amount of any judgment that may be made against such defendant in said original suit, unless within three days after the return day of such summons, such corporation

shall, by such officer, show a sufficient reason, to the satisfaction of the justice, for not appearing to answer such summons, and shall then appear and answer said summons; and the justice shall thereupon, on the third secular day, render judgment ^{When justice shall render judgment.} against such corporation as against other garnishees, for the amount of such debt, and with like effect; but on such cause shown, such officer may be examined as other garnishees, and with like effect as against the corporation he represents. Such ^{Appeal.} corporation, or the plaintiff in such suit, may appeal from any such judgment, rendered under this section, to the circuit court of the proper county, in the same manner as appeals may be taken from any other judgment of a justice of the peace, when the liability of such corporation as such garnishee, may be fully inquired into: *Provided*, As provided by law, that when ^{Proviso.} such corporation shall wish to appeal, in cases where they have not answered as garnishee, they shall, in addition to the other requirements of law, file with the justice a full and complete answer, in writing, as such garnishee, verified by the oath of one of the officers having knowledge of the facts, which said officer shall also answer, under oath, all questions put to him by such justice, relating to the matter of such suit; and thereupon the said justice shall, within the time required for making return of such appeal, at the option of the plaintiff, either make such returns or set aside the judgment rendered against the said corporation, by entry thereof upon his docket, across the face of such judgment, in which event the said corporation, if they have not already paid all the costs in such suit, shall be liable for the same.

Approved April 5, 1869.

[No. 160.]

AN ACT to provide for the payment of taxes levied and assessed upon lands purchased and held for non-payment of taxes.

Providing for
payment of
taxes before
recovery of
lands held for
non-payment
of taxes.

SECTION 1. *The People of the State of Michigan enact, That* no person shall be entitled to the recovery of the possession of land purchased and held by such person from the State, or held as grantee of a previous grantee or grantees of the State, for the non-payment of taxes, nor shall any such person or his legal representatives, be lawfully entitled to the possession of any such lands, unless such person shall have at any time before final judgment in his favor, or at the time of entering into such possession, either paid all the taxes levied and assessed upon such lands, subsequent to the date of any tax deed under which he claims, or tendered the amount of taxes thus paid to the person who paid the same, if such person be the person against whom recovery is sought, or shall have acquired all the tax titles given for the taxes levied and assessed subsequent to such first acquired tax title, and previous to the entering into such possession.

Approved April 5, 1869.

[No. 161.]

AN ACT to amend section twenty-nine, of chapter one hundred and forty-five, of the revised statutes of one thousand eight hundred and forty-six, being section five thousand five hundred and seven, of the compiled laws, entitled "Of the powers, duties, and obligations of assignees of insolvent debtors under this title."

Section
amended.

SECTION 1. *The People of the State of Michigan enact, That* section twenty-nine, of chapter one hundred and forty-five, of the revised statutes of one thousand eight hundred and forty-six, being section five thousand five hundred and seven, of the compiled laws, be and the same is hereby amended so as to read as follows:

(5507.) Sec 29. They shall pay all debts due by such debtor ^{What debts to be first paid.} to the United States, and all debts due by him to persons who, by the laws of the United States, have a preference in consequence of having paid money as sureties of such debtor, and all debts due to any person or persons from such debtor for labor done or performed: *Provided, however,* That creditors ^{Proviso.} under the laws of the United States, as mentioned in this section, shall not be prejudiced thereby.

Approved April 5, 1869.

[No. 162.]

AN ACT for the punishment of the malicious injury and destruction of personal property.

SECTION 1. *The People of the State of Michigan enact, That* ^{Punishment for driving any metallic substance into timber which is to be made into lumber.} any person who shall willfully and maliciously drive, or cause to be driven, or imbedded, any nail, spike, or piece of iron, steel, or other metallic substance into any timber, log, or bolt which may now be, or may hereafter be put on the banks of or in any of the waters, or any mill-yards of this State, for the purposes of being made into lumber or marketed, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail not more than one year, or both such fine and imprisonment, in the discretion of the court.

Sec. 2. This act shall take immediate effect.

Approved April 5, 1869.

[No. 163.]

AN ACT to prevent the introduction of contagious diseases in cattle.

SECTION 1. *The People of the State of Michigan enact, That* ^{Governor to appoint com-missioners.} when the Governor of the State of Michigan shall be satisfied of the necessity of the same, he shall have power to appoint

Power of
commission-
ers.

three commissioners, to hold their office for two years, and make report annually to the Secretary of the State Board of Agriculture. Such commissioner[s] shall have power to use means to prevent the spread of dangerous diseases among animals, and protect the people of the State from the dangers arising from the consumption of diseased meat. Said commissioners shall have power to administer oaths, and appoint assistants for such time as they may deem proper, and to place animals in quarantine, and to do generally whatever may be necessary to prevent the spread of contagious diseases among animals.

What ani-
mals not to
be permitted
to enter, etc.,
this State.

Sec. 2. No animal shall be permitted to enter or pass through this State, which shall be deemed by either of the commissioners capable of diffusing or communicating contagious diseases.

Ibid.

Sec. 3. No cattle brought from Texas or the Indian Territories, shall be permitted to pass through this State, or any part of the same, from the 1st day of March to the 1st day of November, in each year.

Sec. 4. This act shall take immediate effect.

Approved April 5, 1869.

[No. 164.]

AN ACT to define certain offenses affecting railroads, and to provide punishment for the same.

Punishment
for placing
obstructions,
etc., on rail-
road track.

SECTION 1. *The People of the State of Michigan enact, That* every person who shall place upon any railroad any timber, stone, iron, or other obstructions, or who shall loosen or displace any rail of the track of such railroad, or shall break down or displace, destroy, or injure any bridge, culvert, or embankment of any railroad, or do any other act with intent to throw from such railroad any locomotive, tender, or car moving along the track of such railroad, on which shall be any person or property liable to be injured thereby, shall be punished by imprisonment in the State prison for life, or for a term of years.

Sec. 2. Every person who shall steal from any car, while detained by accident or injury to any railroad, locomotive, tender or car, or who shall steal the property of, or rob any person detained, injured or killed by reason of any accident or injury to any such railroad, locomotive, tender or car, shall be punished by imprisonment in the State prison for a term not exceeding twenty years, or by fine not exceeding three thousand dollars, or both fine and imprisonment, at the discretion of the court.

Stealing from cars or persons detained, etc.

Sec. 3. If any person, not being employed on any railroad, shall willfully and maliciously uncouple or detach the locomotive or tender, or any of the cars of any railroad train, or shall in any way aid, abet, or procure the doing of the same, such person shall be punished by imprisonment in the State prison not exceeding ten years, or by fine not exceeding two thousand dollars, or both, at the discretion of the court.

Uncoupling, etc., locomotive or cars by persons not employed, etc.

Sec. 4. If any person shall unlawfully seize upon any locomotive, with any express or mail car attached thereto, and run away with the same upon any railroad, or shall aid, abet, or procure the doing of the same, such person shall be punished by imprisonment in the State prison not exceeding ten years, or by fine not exceeding two thousand dollars, or both, at the discretion of the court.

Seizing locomotive and running away with same.

Sec. 5. If any officer of any incorporated railroad company shall fraudulently embezzle, dispose of, or convert to his own use any passenger railroad tickets, which have come to his hands or charge, by virtue of his office or employment, he shall be punished by imprisonment in the State prison not exceeding ten years, or by fine not exceeding three thousand dollars, or both, at the discretion of the court. In any prosecution under this section, it shall be lawful to include in a charge, as one offense, all acts constituting such offense committed between certain days set forth; and it shall be sufficient to set forth by their value, a general nature of the tickets alleged to have been unlawfully taken; and it shall be sufficient to maintain the

Embezzlement, etc., of railroad tickets by officer of road.

What may be included in a charge in any prosecution under this section.

charge if it shall be proved upon the trial that any such tickets were, within the period set forth, embezzled, disposed of, or converted as alleged.

Making or
issuing
fraudulent
certificate of
stock, etc.

Sec. 6. Any director or other officer of any incorporated railroad company who shall make or issue any unauthorized, or a fraudulent certificate of stock, bond, or obligation of such company, or who shall aid, abet, procure, or consent to any such making or issuing, knowing the same to be unauthorized and fraudulent, shall be punished by imprisonment in the State prison not exceeding ten years, or by fine not exceeding five thousand dollars, or both, at the discretion of the court.

Approved April 5, 1869.

[No. 165.]

AN ACT to amend section five, of chapter eighty-six, of the revised statutes of eighteen hundred and forty-six, the same being section thirty-three hundred and three, of chapter one hundred and ten, of the compiled laws of eighteen hundred and fifty-seven, of custody of minor children.

Section
amended.

SECTION 1. *The People of the State of Michigan enact*, That section five, of chapter eighty-six, of the revised statutes of the State of Michigan for eighteen hundred and forty-six, and being section number thirty-three hundred and three, of chapter one hundred and ten, of the compiled laws of eighteen hundred and fifty-seven, be and is hereby amended so as to read as follows:

Who entitled
to custody of
minor.

(3303.) Sec. 5. The father of the minor, and in case of his decease, the mother, being respectively competent to transact their own business, and not otherwise unsuitable, shall be entitled to the custody of the person of the minor, and to the care of his education.

Approved April 5, 1869.

[No. 166.]

AN ACT to punish persons for breaking locks and chains attached to boats, and suffering the same to float away, upon the lakes, rivers, and streams in the State of Michigan.

SECTION 1. *The People of the State of Michigan enact*, That any person or persons who shall willfully and maliciously break any lock or chain fastened to any boat or boats, moored in any of the lakes, rivers, or streams of this State, upon conviction thereof shall be punished by a fine not less than five dollars nor exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both fine and imprisonment, in the discretion of the court.

Penalty for breaking lock, etc., of boat moored in lake, etc.

Sec. 2. Any person or persons who shall remove any boat or boats from their fastenings, moored upon any lake, river, or streams in this State, without the consent of the owner, or who shall maliciously loose any boat or boats fastened by locks, chains, or other fastening to the bank or shore of any lake, river, or stream, and suffer the same to float away, without the consent of the owner, or person having in charge said boat or boats, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by fine not less than ten dollars or more than one hundred dollars, or by imprisonment in the county jail not exceeding three months, or by both such fine and imprisonment, in the discretion of the court.

Removing boats from fastenings, etc.

Sec. 3. This act shall take immediate effect.

Approved April 5, 1869.

[No. 167.]

AN ACT to authorize the incorporation of trades' unions as mechanics' associations, under the provisions of chapter sixty-two of the compiled laws.

SECTION 1. *The People of the State of Michigan enact*, That any association of trades' unions in this State, actually existing and conducting its operations under a constitution or articles

Trades' unions associations may incorporate as mechanics associations.

of association, may become a body corporate and politic for the general purposes contemplated by chapter sixty-two of the compiled laws of this State, being "An act to provide for the incorporation of mechanics' associations," approved February seventeen, eighteen hundred and fifty-seven, upon filing a copy of their constitution or articles of association, verified by the oath of one or more of the executive officers of such association, in the office of the Secretary of State, and a like verified copy in the office of the county clerk of the county where such association is situated. All such associations becoming corporations as above provided, shall be subject to the provisions of the said act of eighteen hundred and fifty-seven, except as otherwise in this act provided.

Subject to
act of 1857.

Articles of
association
may stand in
lieu of an
agreement.

Election of
trustees pro-
vided for.

Previous.

Sec. 2. The constitution or articles of association under which any such association may be organized, may stand in lieu of the articles of agreement required to be executed by section two of said act of eighteen hundred and fifty-seven; and such constitution or articles of association may provide for the election of the trustees and other officers of such association annually or semi-annually, as the case may be: *Provided*, That nothing herein contained shall be so construed as to legalize any provision that may be contained in any such constitution or articles of association which is repugnant to the laws of this State, or to public justice.

All money,
etc., shall
vest in cor-
poration so
formed.

Sec. 3. All moneys, property, or rights in action equitably belonging to any association at the time the same may or shall become incorporated under the provisions of this act, shall vest in the corporation so formed, and may be recovered by such corporation in [an] action in assumpsit, or on the case, from any person unlawfully withholding the same.

Exempting
corporation
from provis-
ions of cer-
tain law.

Sec. 4. Any corporation that may be formed under the provisions of this act, may be exempted from the operation of the provisions of section five of the aforesaid act of eighteen hundred and fifty-seven, and may choose its officers, and conduct its operations in such manner as may be prescribed by its con-

stitution or articles of association, subject to the restrictions contained in the proviso to section two of this act.

Sec. 5. This act shall take immediate effect.

Approved April 5, 1869.

[No. 168.]

AN ACT to define the powers and duties of Highway Commissioners, in certain cases.

SECTION 1. *The People of the State of Michigan enact, That* Power of highway commissioners to lay out roads in certain cases. in any case where the Legislature has or shall grant [power] to a board of special commissioners to lay out any road, and said commissioners shall not for the term of one year or more after the term of such appointment, have laid out and proceeded to open said road, it shall be lawful for the highway commissioners of the townships of this State to proceed to lay out and open highways on any such grounds, in the same manner as if no special commissioners had been authorized.

Sec. 2. It shall be lawful, and it is hereby made the duty of Highway commissioners to draw orders on town treasurer. the highway commissioners in this State, to draw all orders on the township treasurer for any moneys that may become payable on account of any contract let, or any award made by them, in pursuance of the general highway laws.

Approved April 5, 1869.

[No. 169.]

AN ACT to provide for a uniform assessment of property, and for the collection and return of taxes thereon.

SECTION 1. *The People of the State of Michigan enact, That all* Property subject to taxation. property, real and personal, within this State, not expressly exempted therefrom, shall be subject to taxation in the manner provided by law.

Sec. 2. Real estate shall, for the purpose of taxation, be construed to include all lands in the State, and all buildings and Real estate.

fixtures thereon, except in cases otherwise expressly provided by law.

Personal
estate.

Sec. 3. Personal estate shall, for the purposes of taxation, be construed to include all goods, chattels, moneys, credits, and effects, wheresoever they may be; all ships, boats, and vessels belonging to inhabitants of this State, whether at home or abroad, and all capital invested therein; all moneys at interest either within or without this State, due the person to be taxed more than he pays interest for, and all other debts due such persons more than their indebtedness; all public stocks and securities, all stock in turnpikes, railroads, canals, and other corporations (except national banks) out of the State, owned by inhabitants of this State; all personal estate of moneyed corporations whether the owner thereof reside in or out of this State, and the income of any annuity, unless the capital of such annuity be taxed within the State; all shares of stock in any bank organized or that may be organized under any law of this State or of the United States; and all improvements made by persons upon lands held by them under the homestead laws of the United States, the fee of which lands is still vested in the United States, and all such improvements upon lands the title to which is still vested in the State of Michigan.

Corporate
property.

Sec. 4. All property of private corporations, except in the cases where some other provision is made by law, shall be assessed in the name of the corporation, in the township or ward where the same shall be situated; and in collecting the same, all the personal property of such corporation shall be liable to be seized wherever the same may be found in the county, and sold in the same manner as the property of individuals may be sold for taxes.

Exemptions] Sec. 5. The following property shall be exempt from taxation, viz:

1. Household furniture, including stoves put up and kept for use in any dwelling-house, not exceeding in value two hundred dollars;

2. All spinning and weaving looms and apparatus, not exceeding in value fifty dollars;

3. All arms and accoutrements required by law to be kept by any person; all wearing apparel of every person or family;

4. The library and school-books of every individual and family, not exceeding in value one hundred and fifty dollars, and all family pictures;

5. To each householder, fifteen sheep with their fleeces, and the yarn and cloth manufactured from the same, two cows, five swine, and provisions and fuel for the comfortable subsistence of such householder and family for six months, and all musical instruments kept for use, not exceeding in value one hundred dollars;

6. All the property of the United States and of this State, except lands bid off for the State at tax sales, except as hereinafter provided;

7. All public or corporate property of the several counties, cities, villages, townships, and school districts in this State, used or intended for corporate purposes;

8. The personal property of all library, benevolent, charitable, and scientific institutions, incorporated within this State, and such real estate belonging to or leased by such institutions as shall be actually occupied by them for the purposes for which they were incorporated;

9. All the houses of public worship, with the pews or slips and furniture therein; also, the land on which such houses of worship may stand, so far as occupied by such houses of worship, and for no other purposes, and rights of burial and tombs, while in use as repositories of the dead; and also any parsonage, owned and occupied as such by any religious society incorporated under the laws of this State;

10. The personal and real estates of persons who, by reason of infirmity, age, or poverty, may, in the opinion of the supervisor, be unable to contribute towards the public charges.

Taxes paid
by tenant.

Sec. 6. When a tenant, paying rent for real estate, shall be taxed therefor, he may retain, out of his rent, the taxes paid by him for the same, unless there be an agreement to the contrary.

Personal and
resident real
estate; when
assessed.

Sec. 7. All personal estate, within this State, except in the cases where other provision is made by the third and eighth sections of this act, shall be assessed to the owner in the township where he shall be an inhabitant on the second Monday of May, and all resident real estate, to the person occupying it on that day, unless the same shall be given in by some other person for assessment to him.

Excepted
cases.

Sec. 8. The excepted cases referred to in the preceding section, and not included in said section three, are the following:

1st. All goods, wares, and merchandise, or stock in trade, including stock employed in the business of the mechanic arts, in any township other than where the owners reside, shall be taxed in the township where the same may be, if the owner hire or occupy a store, mill, shop, or warehouse therein, and shall not be taxable where the owner resides, and all shares in National or State banks, owned by persons not residents of this State, shall be taxed in the township or city where the bank is located, and not elsewhere;

2nd. All horses, mules, and neat cattle, sheep and swine, kept throughout the year, other than where the owner resides, shall be assessed to such owner in the township where they are kept;

3rd. All personal property of non-residents of this State shall be assessed to the owner or to the person having the possession or control thereof, in the township or city where the same may be, or in case the same is in transit, at the place of destination within the State;

4th. All personal property belonging to minors under guardianship shall be assessed to the guardian in the township where he is an inhabitant, and the personal property of every other person under guardianship shall be assessed to the guardian in the township of which the ward is an inhabitant;

5th. All personal property held in trust by any executor, administrator, or trustee, the income of which is to be paid to

any married woman or other person, shall be assessed to the person having possession or charge of such property, in the township of which he is an inhabitant, whether such married woman or other person reside within or without this State;

6th. Personal property placed in the hands of any corporation, as an accumulating fund for the future benefit of heirs or other persons, shall be assessed to the persons for whose benefit the same is accumulating, if within this State; otherwise, to the person so placing it, or his executors or administrators, until a trustee shall be appointed to take charge of such property, or of the income thereof;

7th. The personal estate of persons deceased, which shall be in the hands of executors or administrators, shall be assessed to the executors or administrators in the township where the deceased last dwelt, until they shall give notice to the supervisor that the estate has been distributed and paid over to the parties interested;

8th. All property held by any religious society as a ministerial fund shall be assessed to the treasurer of such society; and, if such property consists of real estate, it shall be taxed in the township where such property lies; if it consists of personal property, it shall be taxed in the township where such society usually holds its meetings.

Sec. 9. When personal property is mortgaged or pledged, it shall, for the purpose of taxation, be deemed the property of the person who has possession thereof.

Personal
property
when mort-
gaged.

Sec. 10. The undivided real estate of any deceased person may be assessed to the heirs or devisees of such person, unless occupied by some other person to whom it may be assessed, without designating them by name, until they shall have given notice to the supervisor of the division of such estate, and the names of the several heirs and devisees; and each heir and devisee shall be liable for the whole of such tax, and shall have a right to recover of the other heirs and devisees their respective portions thereof, when paid by him.

Undivided
real estate of
deceased
persons.

Certificate of
purchase of
State lands.

Sec. 11. Any person holding a part-paid certificate of the purchase of university, primary school, State building, swamp, salt spring, or other State lands, or occupying the same, shall be liable to be assessed therefor, as if he were the actual owner thereof: *Provided, however,* That the same shall be assessed as personal property, and not as real estate, and the tax thereon shall be collected in the manner hereinafter prescribed.

Previous.

Partners,
where may
be taxed.

Sec. 12. Partners in mercantile or other business, whether residing in the same or different townships, may be jointly taxed under the partnership name, in the township where their business is carried on, for all the personal property employed in such business; and, if they have places of business in two or more townships, they shall be taxed in those townships for the proportion of property employed in such townships respectively; and, in case of being so jointly taxed, each partner shall be liable for the whole tax.

Meaning of
certain terms
used in this
act.

Sec. 13. The term "money," or "moneys," whenever used in this act, shall be held to mean gold and silver coin, and bank notes, and every deposit which any person owning the same, or holding in trust, and residing in this State, is entitled to withdraw in money on demand. The term "credits," whenever used in this act, shall be held to mean and include every claim and demand for money, or other valuable thing, and every annuity or sum of money receivable at stated periods, due or to become due, and all claims and demands secured by deed or mortgage, due or to become due. The terms "parcel of real property," and "parcel of land," whenever used in this act, shall each be held to mean any contiguous quantity of land in the possession of, owned by, or recorded as the property of the same claimants, person, or company. Every word importing the singular number only, may extend to and embrace the plural number; and every word importing the plural number, may be applied and limited to the singular number; and every word importing the masculine gender only, may be extended and applied to females as well as males. Whenever the word "oath" is used in this act, it may be held to mean affirmation; and the

word "swear," in this act, may be held to mean affirm. The words "town" or "townships," when used in this act, shall be construed to mean ward or city, as the case may be. The term "cash value," whenever used in this act, shall be held to mean the usual selling price at the place where the property, to which the term is applied, shall be at the time of assessment, being the price which could be obtained therefor at private sale, and not at forced or auction sale.

Sec. 14. Every person of full age and sound mind, and every firm, body politic or corporate, shall, when called upon as hereinafter provided, forthwith make a full and true statement, in writing, to the supervisor of the township or ward in which he resides, in which shall be distinctly and truly set forth a correct description of all the real estate and personal property not by this act exempt from taxation, and not by the laws of this State subject to a specific tax, of which he or she is the owner or the holder, as guardian, parent, husband, or trustee, executor, administrator, receiver, accounting officer, partner, agent, or factor; and also all moneys and credits owned or held as aforesaid; and the cashier of any State or National bank, in said township or ward, when called upon as aforesaid, shall also truly and fully set forth the names of all non-residents of this State, owning shares of stock in such bank, and the number, and amount of such shares owned by each non-resident respectively, as the same shall appear upon the books of said bank, and in case of neglect or refusal so to do, said cashier shall be deemed guilty of a misdemeanor.

Sec. 15. Every person required by this act to make or deliver such statement shall set forth an account of the property held or owned by him or them, as follows:

1. An accurate description of each parcel of land, with the number of acres, and the number of acres improved, and the number and kinds of buildings thereon;
2. The number of neat cattle six months old;
3. The number of horses over six months old;
4. The number of sheep over six months old;

Ibid.

5. The number of hogs over six months old;
6. Every wagon and carriage;
7. Every gold or silver watch;
8. The number of bushels of grain and the quantity of all other farm produce in the possession of the producer;
9. All merchandise not included in the eighth subdivision of this section;
10. Every musical instrument of the value of one hundred dollars and upwards;
11. All moneys and all credits;
12. All other personal property held or owned by him, including the shares in any State or National bank in this State;
13. The amount of moneys upon which he pays interest, providing he desires to have the same deducted from his moneys and credits;
14. The amount of all other *bona fide* indebtedness, provided he desires to have the same deducted from his moneys and credits.

Supervisor
may require
statement
to be sub-
scribed, etc.

Sec. 16. Such statement the supervisor may, in his discretion, require to be subscribed by the person making the same; and it shall further mention who is the owner of the property so described, and whether the same is held by him, the maker of such statement, individually, or in his own right, or whether held for any other person; and if held for any other person then state for whom, in what capacity, or on what account so held, giving the name of the person for whom he holds.

Corporate
property
paying spe-
cific tax not
to be in-
cluded in
statement.

Sec. 17. No person shall be required to include in such statement any share or portion of the capital stock of any company or corporation, which company or corporation is by law exempt from taxation, or by law required to pay a specific tax in lieu of all other taxes on such share or portion of capital stock, or whose corporate property is subject to assessment under the provision of section four of this act.

Supervisor
to furnish
blank forms
for state-
ments.

Sec. 18. It shall be the duty of each supervisor, on or before the second Monday in May, to call upon each taxable person in his township, at his residence, boarding-place, or usual place of

business, at which time he shall furnish each taxable person a blank form for the statements required by the fifteenth section of this act; and thereupon said taxable person shall forthwith make and deliver to said supervisor a full and true statement of the taxable property in his possession, according to the provisions of this act; and immediately thereafter the said supervisor shall proceed to examine said property, and estimate and set down the true value thereof, the same being the price which could be obtained therefor at private sale, and not at forced or auction sale, and being the true cash value as defined in section thirteen of this act, deducting from the moneys at interest and other credits of such person, the amount of money upon which he or she pays interest, together with his other *bona fide* indebtedness, as set forth in said statement.

Estimate of true cash value of property by supervisor.

Sec. 19. In every case where any person shall neglect or refuse to make out and deliver a statement of his real and personal property, moneys, and credits, or to exhibit the same to the supervisor, as required by this act, it shall be the duty of said supervisor and he is hereby authorized to examine on oath the person so refusing, and any other person or persons who he may have good reason to believe and does believe has knowledge of the amount or value of any property, moneys, or credits owned or held by such person so refusing; and said supervisor shall assess any property, money, or credits, owned or held by such person so refusing, at its true cash value, as the same is hereinbefore defined: *Provided*, That if any person shall neglect or refuse to make such statement, or in case any person owning any taxable property in this State, or any money loaned in this State, shall be absent from the township or cannot be found therein by the supervisor of such township, during the time the assessment roll is required by law to be made, leaving no agent known to such supervisor to make the required statement, such supervisor is hereby authorized to set down and assess to such person any amount of personal property he may deem just and proper, subject to reduction on review, upon oath of the party in interest, his agent or attorney.

On neglect to make out statement; duty of supervisor.

Proviso.

Review of
assessments;
when to be
made by su-
pervisor.

Sec. 20. On the third Monday of May, it shall be the duty of the supervisor of each of the several townships to be present at his office, from eight o'clock in the forenoon until twelve noon, and from one o'clock in the afternoon until five o'clock in the afternoon, for the purpose of reviewing his assessment, and so on the two next following days; and, on the request of any person, his agent or attorney, considering himself aggrieved, on sufficient cause being shown to the satisfaction of the supervisor, he shall alter the assessment as to the valuation thereof, and he shall also, upon sufficient cause being shown by any credible person on behalf of any other person whose property is assessed, alter the assessment in such manner as shall to him appear just and equal; and to this end he may in either case examine on oath the person making the application, or any other person present, touching the matter, which oath the supervisor is hereby authorized to administer.

Power to
alter valua-
tion.

Assessment
roll; con-
tents of.

Sec. 21. The assessment roll shall contain the names of the resident persons liable to be taxed; a full description of the real estate of such persons; the number of acres in each tract or parcel, as near as the same can be ascertained; the estimated value of each tract or parcel, and the aggregate valuation of the personal estate of each person liable to be taxed, as appears from the statements in the possession of the supervisor.

Auditor Gen-
eral, to trans-
mit blanks to
county treas-
urer.

Sec. 22. For the purposes mentioned in the preceding sections of this act, the Auditor General shall, before the first Monday in March in each year, prepare and transmit suitable blanks to the several county treasurers, who shall, before the first Monday in April, supply all the supervisors in their several counties with the same. The Auditor General is authorized and instructed to furnish, at the expense of the State, to each supervisor and assessor in the several townships and cities in this State, a copy of this law, at the earliest day practicable.

To furnish
copy of law

Real estate;
how des-
cribed.

Sec. 23. The description of real estate may be as follows:

1. If the land to be assessed be an entire section, it may be described by the number of the section, township, and range;
2. If the tract be a subdivision of a section authorized by

the United States for the sale of the public lands, it may be described by a designation of such subdivision, with the number of the section, township, and range;

3. If the tract be less or other than such subdivision, it may be described by a designation of number of the lot or other lands by which it is bounded, or in some way by which it may be known;

4. In case of lands surveyed or laid out as a city or village, and a plat thereof recorded in the register's office of the county, if the tract to be assessed be a whole lot or block, it shall be described by a designation of the number thereof; if it be a part of a lot or block, it may be described by its boundaries, or some other way by which it may be known, and it shall not be necessary to insert the quantity of such land in the assessment roll. When any lands have been or hereafter shall be laid out as a city or village, or as an addition of any city or village, and the same has not been duly recorded in the register's office of the county, and any one or more of the lots have been or may be sold by the numbers thereof, according to the plat of said city or village, or addition thereto, such land, laid out as aforesaid, may, in the discretion of the supervisor, be assessed in whole or in part, according to the subdivision as represented on the plat of said city or village, or in some other way by which it may be known; and if such subdivision or parcel be a whole lot or block, it shall be described by a designation of the number thereof; and, if it be a part of a lot or block, such part shall be defined, or it shall be described by its boundaries, or in some other way by which it may be known; and it shall not be necessary to insert the quantity or contents of such land in the assessment roll;

5. If the land to be assessed be a tract of which the subdivision is not known to the supervisor, it shall be entered upon the roll by the boundaries thereof, or in some other way by which it may be known;

6. Undivided shares or interests in lands shall be assessed to the owners thereof, if such ownership is known to the super-

visor, and no tract in the same section, known to the supervisor to have been originally entered as one parcel, shall be subdivided in assessing, unless the fact of a subdivision having been made be known to the supervisor;

7. It shall be sufficient to describe lands to be assessed or sold for taxes in the manner heretofore in use, by initials, letters, abbreviations, and figures.

Non-resident
lands.

Sec. 24. All lands unoccupied and not claimed to be owned by any resident of the township where they are situated, and not exempt from taxation, may be assessed as non-resident lands, and it shall be the duty of the supervisor to enter the same on a part of the roll separate from that upon which the estates of residents are entered, and when real estate is occupied, it may be assessed to the occupant or supposed owner or person exercising control over the same. When a person is assessed as a trustee, guardian, executor, or administrator, a designation of his representative character may be added to his name, and such assessment shall be entered on a separate line from his individual assessment.

Property
held in trust.

Certificate of
supervisor
on comple-
tion of roll;
form of.

Sec. 25. When the supervisor has reviewed and completed the assessment roll, it shall be his duty to attach thereto, signed by him, a certificate, which may be in the following form: "I do hereby certify that I have set down in the above assessment roll, all the real estate in the township of _____, liable to be taxed, according to my best information, and that I have estimated the same at what I believe to be the true cash value thereof, and not at the price it would sell for at a forced or auction sale; that the said assessment roll contains a true statement of the aggregate valuation of the taxable personal estate of each and every person named in said roll, and that I have estimated the same at the true cash value, as aforesaid, according to my best information and belief."

When clerk
of township
to deliver
statements
of money to
be raised to
supervisor.

Sec. 26. It shall be the duty of the township clerk of each township, or of the proper officer of any ward or city, on or before the first day of October of each year, to make and deliver to the supervisor of his township or ward, a certified

copy of all statements on file, or of record, in his office, of moneys proposed to be raised therein by taxation, for all purposes, together with a statement of the aggregate amount thereof, and such statements, duly certified by the township clerk, or the proper officer of the ward or city, shall by such supervisor be delivered to the clerk of the board of supervisors of the county within which such township or city is situated, on or before the second Monday of said month, and it shall be the duty of each supervisor to add to such statement a complete list of all moneys voted to be raised in school districts, fractional, in his township, and such statements shall, by said county clerk, be laid before the board at its annual meeting, and filed in his office.

Supervisor to deliver same to clerk of board, etc.

Sec. 27. The board of supervisors in each county shall, at their session in October in each year, examine the assessment roll of the several townships, and ascertain whether the relative valuation of the real estate in the respective townships has been equally and uniformly estimated. If, on such examination, they shall deem such valuation to be relatively unequal, they shall equalize the same by adding to or deducting from the valuation of the taxable property in the township or townships such an amount as in their judgment will produce relatively an equal and uniform valuation of the real estate in the county, and the amount added to or deducted from the valuation in each township shall be entered upon the records. They shall also cause to be entered upon their records, the aggregate valuation of the taxable real and personal property of each township, ward, or city in their county, as determined by them.

When board of supervisors to examine assessment rolls.

Power of board to equalize valuation.

Record of determination.

Sec. 28. The board of supervisors shall also make such alterations in the description of any lands upon such rolls as may be necessary to render such description conformable to the requirements of this act.

Alteration of descriptions.

Sec. 29. After the assessment shall have been equalized, and the descriptions corrected, as provided in the two last preceding sections, it shall be the duty of the chairman of the board to make and sign a certificate, upon or appended to the roll of

Corrected roll to be certified by chairman of board.

each township, which certificate may be in the following form, to wit:

Form of
certificate

"I do hereby certify that the board of supervisors have equalized and corrected the within roll, by adding to or deducting from the valuation of the real estate made by the supervisor thereon, or without adding to or deducting from the valuation of the real estate made by the supervisor, as the case may be, and have determined the aggregate value of the taxable property in the township of _____ to be _____ dollars and _____ cents, for the year eighteen hundred ____."

Filing of
same.

Which assessment roll, certified as aforesaid, shall be delivered to the supervisor of the proper township, whose duty it shall be to file and keep the same in his office.

Auditor Gen-
eral to appor-
tion State
tax, etc.

Sec. 30. The Auditor General shall apportion the State tax among the several counties, in proportion to the valuation of taxable property therein, as determined by the last preceding State Board of Equalization, and shall, before the October session of the boards of supervisors, make out and transmit to the clerks of the several boards the amount of such tax so apportioned by him to the county, and shall charge the several amounts of such apportionments to the counties respectively.

When board
of supervi-
sors to appor-
tion, etc.,
taxes.

Sec. 31. The board of supervisors shall, at said annual session, direct such part of each of the several amounts to be raised by any township, ward, or city, or school districts fractional therein, as appears by the certified statements provided for in section twenty-six, to be authorized by law, to be spread upon the assessment roll of the proper township, ward, or city; said board shall also ascertain and determine the amount of money to be raised by tax for county purposes, and apportion such amount, and also the amount of State tax required to be raised, among the several townships in the county, in proportion to the valuation of the taxable property therein, for the year, as equalized by the board, which determination and apportionment shall be entered at large on their records; and there shall also be entered in full upon the records of the proceedings of such board its action upon each of the several

Record of de-
termination,
etc.

amounts certified to such board, as proposed to be raised by taxation, in the townships, wards, or cities therein, and the several amounts ordered, as hereinbefore provided, to be raised in the several townships, wards, or cities, or school districts fractional therein, which amounts shall be apportioned respectively upon the basis of the values as equalized by the board.

Sec. 32. The clerk of the board of supervisors shall, immediately after such apportionment, make out two certificates of the amounts apportioned to be assessed upon the property of each township, for State, county, township, fractional school district and other purposes, one of which he shall deliver to the county treasurer, and the other to the supervisor of the proper township or ward; and the county treasurer shall charge the amount of the State and county taxes specified in such certificate to the proper township, ward, or city.

Certificates of apportionment by clerk of board to county treasurer.

Sec. 33. The supervisor of each township shall proceed to assess taxes for the amount specified in such certificate, according and in proportion to the individual and particular estimate and valuation specified in the assessment roll of the township for the year. For the purpose of avoiding fractions in excess, in said tax, the supervisor may add to the several amounts to be raised not more than one per cent.; said excess, more or less, shall be paid into and belong to the contingent fund of the township in which it was assessed.

Assessment by supervisor.

Addition to contingent fund; how may be made

Sec. 34. The supervisor of each township, on or before the fifteenth day of November in each year, shall notify the township treasurer of the amount of State and county tax apportioned to his township, and such treasurer, on or before the twenty-fifth day of November, shall give to the county treasurer and his successors in office, a bond in double the amount of State and county taxes, with good and sufficient sureties, to be approved by the supervisor of the township, or the county treasurer, conditioned that he shall duly and faithfully perform the duties of his office, and shall deliver the same to the county treasurer.

When supervisor to notify township treasurer of amount of taxes, etc.

Bond of treasurer; to whom delivered.

Receipt
therefor
delivered to
supervisor.

Sec. 35. The county treasurer shall file and safely keep such bond in his office, and on receipt thereof he shall give to the township treasurer a receipt, stating that he has received the bond required by the preceding section, which receipt the township treasurer shall deliver to the supervisor on or before the first day of December.

When super-
visor to de-
liver cor-
rected roll
to town
treasurer.

Sec. 36. The supervisor, after the delivery of such receipt, and on or before the first Monday of December, shall deliver to the township treasurer a copy of the corrected assessment roll of his township, with the taxes for the year annexed to each valuation, and carried out in the last column thereof; the school, library, two-mill, and school-house taxes in one column, the highway taxes in another, the township taxes in another, the county taxes in another, and the State taxes in another column; and if other taxes are at any time required by law, they shall be placed each in another column; and the warrant for their collection shall specify particularly the several amounts and purposes for which said taxes are to be paid into the township and county treasuries respectively. Before the supervisor shall deliver such assessment roll and tax list to the township treasurer, he shall carefully foot up the several taxes therein levied, and shall give to the township clerk of his township a statement thereof, and such township clerk shall immediately charge the amount of such taxes to the township treasurer.

Warrant for
collection;
what to
specify.

Town clerk
to charge
amount of
taxes to
treasurer.

Per diem of
supervisor;
how paid.

The supervisor and assessors shall be allowed, for their services in assessing property and copying the tax rolls, and for extending the taxes thereon, at the rate of two dollars for each day actually and necessarily spent in perfecting the same, which shall be verified, audited, and paid in the townships in the same manner provided by law for the payment of other township officers, and they shall receive payment from no other source: *Provided*, That the city of Detroit shall be exempted from the provisions of the last clause of this section, and the common council shall have power to fix and determine the compensation of the city assessor thereof.

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Sec. 37. To such assessment roll and tax list a warrant under the hand of the supervisor shall be annexed, commanding such treasurer to collect from the several persons named in said roll the several sums mentioned in the last column of such roll opposite their respective names, and to retain in his hands the amount receivable by law into the township treasury for the purposes therein specified, and to account for and pay over to the county treasurer the amounts therein specified for State and county purposes, on or before the first day of February then next; and the said warrant shall authorize the treasurer, in case any person named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such persons.

Warrant of supervisor commanding treasurer to collect, etc.

Sec. 38. The board of supervisors of any county shall have power to authorize the making out a new tax roll; to extend and determine by resolution the time when each collector or township treasurer in their county shall make his return to the county treasurer, but such time shall in no case exceed two months from the time fixed by the last previous section; and where an extension is had, each township treasurer or other collecting officer shall be authorized to levy and collect all taxes, as if such extension had not been granted. But no collector or township treasurer shall receive the benefit of such extension until he shall have paid over to the county treasurer, or other officer authorized to receive the same, all moneys collected by him up to the first day of February, which may be due; and in all cases interest shall be charged on all taxes extended from the first day of February, at the rate and in the manner provided in section seventy of this act; and for the purpose of collecting the taxes remaining unpaid, he shall call at least once upon the person taxed, if a resident, or at the place of his usual residence in the township, and shall demand payment of the taxes charged to him on such list; and in case of any tax assessed upon the shares of capital stock of any bank in such township, owned by persons not residents of the State, he shall call upon the cashier of such bank and demand

Power of board of supervisors to make new tax roll, and extend time.

When collector not to receive benefit of extension.

Interest on taxes extended, etc.

Collector to call for taxes remaining unpaid, etc.

Proviso.

payment thereof; and thereupon it shall be the duty of such cashier to pay the same, and charge the amount so paid against the shares of stock so taxed: *Provided*, That the township boards of any township or the common council of any city shall have power to extend the time for the collection of taxes one month, whenever the boards of supervisors have neglected to so extend the time; and when the township board of a township, or the common council of a city, shall have extended the time as aforesaid, such extension shall be duly certified by the township clerk of the township, or the proper certifying officer of the city, to the county clerk of the county.

When time is extended, county clerk to certify same, for transmittal to Auditor General.

Sec. 39. Whenever the time shall be extended within which any collector or township treasurer shall make his return, as contemplated by the last preceding section, the county clerk of such county shall certify to such action, and attach such certificate to the transcript of the county treasurer, to be forwarded to the Auditor General, as required by section sixty-seven of this act.

When taxes, etc., to be a lien on the real estate assessed.

Sec. 40. The taxes assessed upon any real estate of any resident or non-resident, and all legal charges made thereon, shall be a charge against the person owning the same on the second Monday of May, and shall be a lien on said real estate from the first Monday in December of the year in which such real estate was assessed.

When township treasurer to remain in office to receive taxes.

Sec. 41. Every township treasurer, upon receiving the tax list and warrant, shall, for the purpose of collecting the taxes therein mentioned, be and remain at his office or place of business on Friday of each and every week after receiving such list, until and including the last Friday in the month of December; and upon all taxes paid or tendered to him on such

Fees added.

days, or at any other time, before the first day of January next thereafter, he shall add one per cent. for collection fees; and upon all taxes collected by him after the said first day of January, he shall add four per cent. for collection fees: *Provided*, That the fees so added and collected, shall be in full for his services as township treasurer, except as hereinafter provided:

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And provided further, That nothing in this act shall be construed as preventing the township treasurer, at any time when he shall deem it necessary, from proceeding in the manner hereinafter provided, to collect of any person the tax imposed upon him.

Sec. 42. In case any person shall refuse or neglect to pay the tax imposed on personal or real estate belonging to him, the treasurer shall levy the same by distress and sale of the goods and chattels of said person, wherever the same may be found within his township. Sale of estate to pay tax.

Sec. 43. The treasurer shall give public notice of the time and place of sale, and of the property to be sold, at least five days previous to the sale, by advertisement, to be posted up in three public places in the township where such sale shall be made, and the sale shall be by public auction. Notice of.

Sec. 44. If the property so distrained cannot be sold for want of bidders, the treasurer shall return a statement of the fact, and if the tax be assessed on real estate, such real estate shall be returned in the same manner as if the same were non-resident lands. Return by treasurer when sale is not made.

Sec. 45. If the property distrained shall be sold for more than the amount of the tax and collection fees, the surplus shall be returned to the person in whose possession said property was when the distress was made. Surplus from sale; how disposed of.

Sec. 46. In case any person upon whom any tax may be assessed in any township shall have removed out of any township after the assessment and before such tax ought by law to be collected, it shall be lawful for the treasurer of such township to levy and collect such tax of the goods and chattels of the person so assessed, in any township within the county. In case of removal, tax may be collected in any part of county.

Sec. 47. Whenever any township treasurer shall not be able to collect any tax on personal property on account of the absence of the person so taxed, or for any other cause, the county treasurer, if required, shall issue a new warrant to the treasurer of the township for such tax, and it shall be the duty of the township treasurer to renew his official bond; and thereupon Proceedings when tax on personal property cannot be collected.

the said warrant shall be and remain in force, for the purposes of such collection, until the next annual meeting of the board of supervisors, unless the tax is sooner collected; and the said township treasurer shall charge fifteen per cent. interest on all such taxes, from the first day of February until the day of collection: *Provided*, Said bond shall not be renewed unless the tax uncollected shall exceed five dollars.

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When town treasurer may sue for tax.

Sec. 48. Whenever any tax which shall have been or may hereafter be assessed on personal property in this State shall be returned by any township treasurer for non-payment, under the provisions of this act, or when any tax shall have been assessed upon the shares of the stock of any bank owned by non-residents of this State, and the same shall not be paid by the cashier of such bank, on demand, as hereinbefore provided, it shall be lawful for such treasurer to sue, in the name of such township, the person or persons against whom such tax was assessed, or the bank issuing such shares of stock, as the case may be, before any court of competent jurisdiction, and to have, use, and take all lawful ways and means provided by law for the collection of debts, to enforce the payment of any such tax.

Executions upon judgments; how collected, etc.

Sec. 49. Executions issued upon judgments rendered for any such tax may be levied upon any property liable to be seized and sold under warrants issued for the collection of taxes by township supervisors, and collected in the same manner, in all other respects, as provided by law for the collection of judgments.

Original tax roll, etc. copy thereof may be used as evidence, etc.

Sec. 50. The production of any tax roll on the trial of any action brought for the recovery of a tax therein assessed may, upon proof that it is either the original tax roll and warrant or a duly certified copy thereof, of the township named as the plaintiff in such action, be read and used in evidence; and, if it shall appear from said assessment roll that there is a tax therein assessed against the defendant in such suit, it shall be *prima facie* evidence of the legality and regularity of the assessment of the same; and the court before whom the cause may

be pending shall proceed to render judgment against the defendant, unless he shall make it appear that he has paid such tax; and no stay of execution shall be allowed on any such judgment.

Sec. 51. Such township treasurer shall receive the tax, or any one of the several taxes, on any lot or parcel of land, or part thereof, or on any undivided share or other interest therein, which the tax-payer will clearly define; and if the remaining tax on such lot or parcel of land shall not be paid, the township treasurer shall enter a specification thereof in his return to the county treasurer; but if the part on which the tax is so paid shall be an undivided share, the person paying the same shall state to the treasurer the name of the owner of such share, that it may be excepted in case of the sale for the tax on the remainder, for which purpose the treasurer shall enter the name of such owner in his account of arrears of taxes.

Treasurer shall receive tax on part of lot, etc., or on undivided share, etc.

Sec. 52. The township treasurer shall retain in his hands the amount specified in his warrant to be paid into the township treasury, for the purposes therein specified, and shall, within one week after the time specified in his warrant for paying the money directed to be paid to the county treasurer, pay to such county treasurer the sum required in his warrant, either in delinquent taxes or in funds then receivable by law.

When money shall be paid to county treasurer.

Sec. 53. If any of the taxes mentioned in the tax list annexed to his warrant shall remain unpaid, and the township treasurer shall be unable to collect the same from the owner or occupant of the premises assessed, he shall make out a statement of the taxes so remaining unpaid and due, with a full and perfect description of such premises from his tax roll, and submit the same to the county treasurer.

Return of taxes not collected.

Sec. 54. The county treasurer shall immediately compare such statement with the tax roll in the hands of such township treasurer, and if he finds it to be a true transcript from the same, he shall add to it a certificate showing that he has examined and compared such statement with the tax roll in the hands of such township treasurer and found it correct, and

Return to be compared with tax roll, etc.

Proviso.

shall file such statement so certified in his office: *Provided*, That the county treasurer shall, at the time of making such comparison and at no other time, reject and charge back to the proper township any lands which shall have been twice assessed, or any parcel which shall be so erroneously or defectively described that it cannot be ascertained.

When town treasurer to be credited with uncollected tax.

Sec. 55. Upon making an affidavit to be annexed to such statement before the county treasurer or his deputy duly appointed, or before any officer authorized to administer oaths, that the sums mentioned in such statement remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to the person charged with or liable to pay such sums, whereupon he could levy the same, the township treasurer shall be credited by the county treasurer with the amount thereof, and for making the return aforesaid, he shall be entitled to receive one dollar and fifty cents, and six cents per mile traveling fee one way, to be allowed and paid to him by the county treasurer, together with two per cent. on all taxes returned as delinquent; but no such treasurer shall be allowed more than ten dollars, including said two per cent., for making his return. The township treasurer shall also make out, under oath, a statement of all moneys collected by him on account of taxes, and deliver such statement to the county treasurer, who shall file and preserve the same in his office.

Fee and mileage for making return.

Sworn statement of all moneys collected to be filed with county treasurer.

Receipt by county, to town treasurer.

Sec. 56. The county treasurer shall give to the township treasurer a receipt, stating the amount of taxes returned by such township treasurer unpaid, and for which the township shall receive a credit on the books of the county treasurer, and shall also give such township treasurer a statement of all taxes rejected by such county treasurer out of such list, which receipt and statement shall be the vouchers of such township treasurer for the amounts therein specified.

When county treasurer to endorse as paid, the bond of town treasurer.

Sec. 57. Upon the settlement of the amount of taxes directed to be collected by the township treasurer and paid to the county treasurer, such county treasurer shall endorse the bond of the

township treasurer as paid up, which endorsement shall operate as a full discharge of the treasurer and his sureties from the obligation thereof, unless it shall afterwards appear that the return of such treasurer is false, in which case such bond shall continue in force, and such treasurer and his sureties shall be liable thereon for all damages occasioned by such false returns; and the township treasurer shall immediately deposit his tax roll and warrant with the county treasurer, who shall file and preserve the same in his office, and which said roll, or a duly certified copy thereof, shall for all purposes, in all courts, suits, and proceedings, be taken, held, and used as evidence, in the same manner and with like effect as the original roll.

When bond still to continue in force.

Tax roll and warrant deposited with county treasurer.

Sec. 58. In case the treasurer of any township shall refuse to serve, or shall die, resign, or remove out of the township before he shall have entered upon or completed the duties of his office, or be disabled from completing the same from any cause, the township board shall forthwith appoint a treasurer for the remainder of the year, who shall give like security, and be subject to like duties and penalties, and have the same powers and compensation, as the treasurer in whose place he was appointed; and the township clerk shall immediately give notice of such appointment to the county treasurer, but such appointment shall not exonerate the former treasurer or his sureties from any liability incurred by him or them.

When town board may appoint a treasurer, etc.

Notice of appointment to be given.

Sec. 59. In case the township treasurer shall not collect the full amount of taxes required by his warrant to be paid into the township treasury, such portion thereof as he shall collect shall be retained by him, and paid out for the following purposes and in the following order, viz:

Money retained by town treasurer; in what order to be paid out.

1. The amount raised for the general township purposes, to be paid on the order of the township board;
2. The amount raised for school purposes, to be paid on the order of the school district officers;
3. The amount of the highway taxes, to be paid on the order of the commissioners of highways.

Fees of town
treasurer in
case of sale.

Sec. 60. In case of a distress and sale of goods or chattels, for the payment of any tax, the township treasurer may also collect on such sale one dollar and twenty-five cents over and above the tax, as his fees for making such sale, which fees and the percentage hereinbefore provided shall be in full for his services in collecting such taxes.

When super-
visor to de-
liver up roll
and warrant
to sheriff.

Sec. 61. In case the township treasurer shall neglect or refuse to file his bond with the county treasurer, in the manner and within the time prescribed by law, and the township board shall fail to appoint a treasurer who shall give such bond and deliver a receipt for the same to the supervisor by the tenth day of November, the supervisor shall deliver the tax roll and warrant to the sheriff of the county, to be executed by himself or his deputy, who shall execute and deliver the bonds required of the township treasurers, and make like collections and returns, and shall be entitled to the same compensation allowed to the township treasurers, on all taxes so handed over to him for collection; and, for the purpose of collecting the same, shall be vested with all the powers conferred upon the township treasurer.

Powers and
duties of
sheriff
thereon.

Receipt by
collecting
officer on
payment of
tax.

Sec. 62. The township treasurer or other collecting officer, on receipt of any tax, shall give a receipt for the same, and shall note on his tax roll the payment thereof, and if any such treasurer or other collecting officer shall willfully return to the county treasurer as unpaid any taxes which have been paid to him, he shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, or both, in the discretion of the court, and be liable, together with the surety in his bond, to any person injured by such false return, to the full amount of any loss sustained thereby.

Punishment
for willfully
returning as
unpaid, taxes
which have
been paid.

When county
treasurer to
issue warrant
levying upon
goods, etc.,
of town.

Sec. 63. If any township treasurer, ward collector, or other collecting officer shall neglect or refuse to pay to the county treasurer the sums required by his warrant, or to account for the same as unpaid, as required by law, the county treasurer

shall, within ten days after the time when such payment ought to have been made, issue a warrant under his hand, directed to the sheriff of the county, commanding him to levy such sum as shall remain unpaid and unaccounted for, together with his fees for collecting the same, of the goods and chattels, lands and tenements of such township treasurer, ward collector, or other collecting officer, and their sureties, and to pay the said sums to such county treasurer and return such warrant within forty days from the date thereof.

Sec. 64. The county treasurer shall forthwith deliver such warrant to the sheriff of his county, who shall immediately cause the same to be executed, and shall make return thereof to the county treasurer within the time specified for the return thereof, and pay to such treasurer the amount collected on such warrant, and such sheriff shall be entitled to collect and receive the same fees as are allowed by law to sheriffs on executions.

Duty of sheriff to execute and make return of such warrant.

Sec. 65. If any sheriff shall neglect to return any such warrant, or to pay the money collected thereon, within the time limited for the return of such warrant, or shall make a false return thereto, the county treasurer shall proceed by attachment, in any court of competent jurisdiction, against such sheriff, to collect the whole sum directed to be levied by such warrant, in the same manner and with like effect as for neglecting to return an execution in a civil suit, and the proceedings thereon shall be the same in all respects.

Proceedings against sheriff for neglect or false return.

Sec. 66. In case the county treasurer shall fail to collect such moneys by attachment, he shall forthwith cause a prosecution to be had against the sheriff and his sureties for the sum due on such warrant, which sum, when collected, shall be paid to the county treasurer.

Id.

Sec. 67. When any county treasurer shall receive from a township treasurer a statement of unpaid taxes on the lands of residents or non-residents, verified according to law, such county treasurer shall enter the same at length on the books in his office provided for the purpose, and he shall make a correct transcript thereof of all the descriptions of land returned as

County treasurer to enter return of lands delinquent for taxes and make transcript, etc.

County clerk
to compare
same.

delinquent for unpaid taxes, except such as may have been rejected by said county treasurer, which transcript shall be compared by the county clerk with the statement of the township treasurer, as certified by the county treasurer, and, if he finds it to be a true transcript thereof, he shall add to it a certificate that he has examined and compared the same with the certified statement of the township treasurer, and found it correct.

Transcript,
to be for-
warded to
Auditor
General.

Sec. 68. Such transcript, so made out, compared, and certified, shall be forwarded by the county treasurer to the Auditor General, by the first day of March next after the return of such statement; but such transcript shall be receivable at any time during said month of March, and, when received by the Auditor General, the amount thereof shall be placed to the credit of the proper county, on the books in his office.

When receiv-
able and how
credited.

Resident real
estate; pro-
ceedings on
return of.

Sec. 69. If the taxes on any real estate, assessed to a resident or owner thereof, shall be returned unpaid, the same proceedings shall be had thereon, in all respects, as in cases of lands assessed as non-resident, and with like effect.

Payment of
taxes after
return.

Sec. 70. Any person may pay the taxes, or any one of the several taxes on any parcel of lands returned as aforesaid, or on any undivided share thereof, with interest calculated thereon from the first day of February next after the same were assessed, at the rate of fifteen per cent. per annum, and the office charges, and four per cent. as a collection fee, to the treasurer of the county in which the lands are situated, at any time before they are sold for taxes, or to the State Treasurer on the certificate of the Auditor General, at any time before the twentieth day of September next preceding the time appointed for such sale: *Provided*, That on all taxes remaining unpaid on the first day of June next after the same were assessed, interest shall be computed at the rate of thirty per cent. per annum from said first day of February.

Previous.

Office charg-
es; how dis-
posed of.

Sec. 71. The county treasurer and Auditor General shall add for office charges upon each certificate containing one description, thirty cents; and for each additional description in the

same certificate, five cents; and the amount received by the county treasurers for charges shall go into the county treasuries, of which they shall keep an accurate account; and the amount received at the State Treasurer's office shall go into the State treasury, to the credit of the general fund.

Sec. 72. The county treasurers shall issue duplicate receipts for all taxes received by them, which shall not operate as a discharge of the taxes until countersigned by the county clerk, and one of said duplicates shall be left with such clerk; but no additional charge shall be made for issuing duplicate receipts.

Duplicate receipts by county treasurer.

Sec. 73. The duplicates of such receipts shall be filed by the county clerk, who shall make an entry of the amount for which every such receipt was given, with the name of the person paying such tax, in a book to be provided by him for that purpose, at the expense of the county, and shall, on the first Monday of each month, forward all the receipts on file in his office to the Auditor General in such manner as he may direct.

Entry to be made of same by county clerk and forwarded to Auditor General.

Sec. 74. Every county treasurer who shall have received into the treasury of his county sufficient to make up the amount of taxes assessed for township and county purposes, shall make returns, at least once in three months, to the Auditor General, and shall pay to the State Treasurer, at such times and in such manner as he shall direct, the amount received by him for delinquent taxes, payable to such State Treasurer.

County treasurers' return to Auditor and payments to State Treasurer.

Sec. 75. Whenever the taxes on any land returned to the office of the Auditor General for non-payment shall have been paid by the owner of such lands, his agent or attorney, in cases where such land was not subject to taxation at the date of the assessment of such taxes, the Auditor General, on discovering the same, shall, on application of the person entitled thereto, refund the taxes so paid, with interest at seven per cent.: *Provided*, Such application shall be made within four years from the time this act takes effect, and, in case of taxes hereafter paid, within four years after such payment.

When taxes to be refunded with interest.

Provido.

When excess
to be paid
into State
treasury.

Sec. 76. Immediately after the returns of the several township treasurers to the county treasurers, in all cases where the amount collected shall exceed the amount raised for county and township purposes, the county treasurer shall forthwith pay into the State treasury the excess collected, as aforesaid, for which amount the said counties shall be credited by the Auditor General, on account of the State tax, for the proper year.

Of the Sale of Lands for Taxes, and the Conveyance and Redemption thereof.

Providing
for sale and
redemption
of lands.

Sec. 77. All lands returned to the Auditor General, as provided by law, upon which the taxes, interest, and charges shall not be paid, or be charged back to the proper county, shall be subject to sale and redemption as hereinafter provided, and shall be sold in the same county from which they were returned, or in which the lands were situated at the time such taxes were assessed.

Auditor
General to
make state-
ments of
lands, spec-
ifying, etc.

Sec. 78. On the first day of July, of each year, the Auditor General shall make out a separate statement of all such lands as the taxes shall remain due upon, in each of the respective counties, specifying the amount of taxes due on each parcel, the interest thereon computed, as is provided in section seventy of this act, to the first day of October thereafter, together with the costs of advertising, postages, expense of sale and returns thereof and conveyances, which shall be charged at one dollar and fifty cents upon each parcel of land contained in such list; and accompanying or preceding such statements the Auditor General shall cause to be published, as hereinafter shall be provided, a list of all lands not sold by the several county treasurers at the time prescribed by law, on account of error in advertising, or other cause, not affecting the legality of the assessment, or requiring a rejection of the taxes thereon, and on which the taxes, interest, and charges still remain unpaid or not otherwise discharged for the taxes of any year prior to that for which the statements above mentioned are made up; also, a notice of sale, by the county treasurer, of State tax

lands; and deeds given by the Auditor General to purchasers at such sales, or their assigns, shall take effect according to the year's tax for which the deed may be given, the deed for the latest year's tax taking precedence; and the interest on such re-advertised lists shall be computed at the same rate as in other cases, up to the time of the ensuing annual tax sales.

Sec. 79. The Auditor General shall cause each of such statements to be published in the county in which the lands therein described are situated, for eight weeks successively, next previous to the first Monday of October, in each year, (which shall be construed to mean eight publications, once a week,) in one newspaper printed and published in such county, if there be one which shall have been established therein two months prior to the first day of July; and, in case there is no such newspaper printed and published in the county, such statement shall be printed and published in an adjoining county, if there be such newspaper established therein, for the period aforesaid; but, if there is no such newspaper printed or published in the same or any adjoining county, such statement shall be printed and published in some other newspaper to be designated by the Auditor General.

Publication of statement in county where lands are situated.

Sec. 80. The newspapers in which such statements are to be published shall be designated by the Auditor General, on or before the first day of July in each and every year, and not afterwards, unless the proprietor of any paper so designated shall fail to accept such designation before the fifteenth day of the said month of July, or shall neglect or refuse to print and publish such statement, or unless from some other cause it shall become impracticable; in which case the Auditor General shall designate some other paper for that purpose, before the time limited for commencing the publication.

Papers to be designated by Auditor General.

Sec. 81. The proprietor of any paper accepting such designation shall transmit to each of the county treasurers one copy of each of the first two numbers of his paper containing such statement, and to the Auditor General one copy thereof during the whole time of such publication; for printing and publish-

Proprietor of paper to furnish county treasurer and Auditor with copy.

Payment for
printing, etc.

ing such statement and furnishing copies of his paper as herein required, and publishing the notices required by the sections seventy-eight, eighty-two, and one hundred and twenty of this act, he shall receive not to exceed forty cents for each description of land so advertised; and no printer shall be paid for publishing any such statement who shall not forward to the Auditor General, within thirty days after the last publication thereof, an affidavit, made by some person to whom the facts are known, stating such publications, and also that he has transmitted to each county treasurer, by mail, copies of the two first numbers of his papers containing such statement immediately after their publication.

Notice of
sale to be
published
with state-
ment.

Sec. 82. The Auditor General shall annex to and cause to be published with each of said statements, a notice that so much of each tract or parcel of land described in said statement as will be necessary for that purpose will be sold by the county treasurer, on the first Monday of October next thereafter, at such public and convenient place at the seat of justice of the county as the county treasurer may select, for the payment of the taxes, interest, and charges thereon.

When Auditor to furnish lists of lands to be withheld from sale.

Sec. 83. As soon after the first Monday of September as shall be practicable, the Auditor General shall prepare and transmit to the several county treasurers, lists of all lands described in the respective statements on which the taxes, interest, and charges shall have been paid, which lands, together with all the lands whereon the taxes, interest and charges shall have been paid to the county treasurer before the sale, shall be struck from the statement of lands advertised to be sold by the respective county treasurers, and shall be withheld from sale.

Sale; how made.

Sec. 84. On the day designated in the notice of sale, the several county treasurers, under the direction of the Auditor General, shall commence the sale of those lands on which the taxes shall not have been paid as aforesaid, and shall continue the same from day to day (Sundays excepted), until so much of each parcel thereof shall be sold as shall be sufficient to pay the taxes, interest, and charges thereon: *Provided*, That every

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description of land embraced in said notice, which has been bid off to the State at a previous sale, and which remains unredeemed or otherwise disposed of, shall be bid off to the State by said county treasurers; and any sale made in contravention of this proviso shall be absolutely void and of no effect.

Sec. 85. In case less than the whole of any parcel described in the statements aforesaid shall be sold for the taxes, interest, and charges thereon, the portion thereof sold shall be taken from the north side or north end of such parcel, and shall be bounded on the south by a line running parallel with the northerly line thereof, unless the same be an irregular fraction; in which case the portion thereof so sold shall be bounded on the south by a line running due east and west.

Sec. 86. The county treasurers may, in their discretion, require immediate payment of any person to whom any parcel of such land shall be struck off; and in all cases where payment is not made in twenty-four hours he may declare the bid canceled, and at his discretion sell the land again; and any person, to whom any parcel of land shall be so struck off, neglecting for twenty-four hours after the close of such sale to pay to the county treasurer the amount of such bid, shall forfeit to the State five times the amount of such bid, which amount may be recovered, in the name of the people of the State of Michigan, in an action of debt, in any court of competent jurisdiction.

Sec. 87. If any parcel of land cannot be sold to any person for the taxes, interest, and charges, such parcel shall be passed over for the time being, and shall, on the succeeding day, or before the close of the sale, be re-offered; and if, on such second offer, or during such sale, the same cannot be sold for the amount aforesaid, the county treasurer shall bid off the same for the State.

Sec. 88. All lands bid off for the State, as provided in the last preceding section, shall continue liable to be taxed in the same manner as if they were not the property of the State, and such taxes shall be a charge upon such lands.

Funds receivable at sales, and how disposed of.

Sec. 89. The several county treasurers shall receive, on such sales, such funds only as shall at the time be receivable by law at the State treasury; and all moneys received at such sales shall be paid into the State treasury on or before the fifteenth day of November next after the time of such sale, and the expenses of advertising and sale shall be paid therefrom on the Auditor General's warrant, and the remainder shall be placed to the credit of the general fund as received.

Certificate of sale.

Sec. 90. At the sale aforesaid, the respective county treasurers shall give to the purchasers, on the payment of their bids, a certificate in writing, describing the lands purchased and the amount paid therefor, and such certificate shall be regularly numbered, and a copy of each forwarded by the county treasurers to the Auditor General in such manner as he shall direct.

Deed to purchaser.

Sec. 91. On presentation of such certificate of sale to the Auditor General, after the expiration of the time provided by law for the redemption of land sold as aforesaid, he shall execute to the purchaser, his heirs or assigns, a deed of the land therein described, unless the sale thereof shall have been redeemed or annulled as by law provided, which deed shall be *prima facie* evidence of the regularity of all the proceedings, from the valuation of the lands by the assessors to the date of the deed inclusive, and of title in fee in the purchaser, and every such deed shall be witnessed and acknowledged in the manner prescribed by law for witnessing and acknowledging deeds in other cases.

Proceedings when certificate of sale is lost.

Sec. 92. In case of the loss of such certificate of sale, the purchaser, or his legal representative or assignee, may file his affidavit of such loss, and that he was at the time of such loss the *bona fide* and legal holder thereof; and the Auditor General shall thereupon execute, as aforesaid, a deed for the lands described in such certificate, if the same shall not have been redeemed, in the same manner as though it had been presented and surrendered; and, if the same shall have been redeemed, on the presentation of such affidavit, the money shall be paid to

such person in the same manner as though the certificate of sale had been surrendered. Any person who shall make an affidavit, as above required, or concerning any other matter which may be filed in the office of the Auditor General, shall be liable to the penalties of perjury, for any false statement made in such affidavit with intent to defraud, upon conviction thereof, before a court having jurisdiction of the offense.

Penalty for
false affidavit,
etc.

Sec. 93. Any person owning any of the lands sold as aforesaid, or any interest therein, may, on or at any time previous to the thirtieth day of September next succeeding such sale, redeem any parcel of said lands, or any part or interest in said lands, by showing to the satisfaction of the Auditor General or county treasurer that he owns only that part or interest in the same which he proposes to redeem, and by paying at his option into the State treasury or to the treasurer of the county where such land is situated, the amount for which such parcel was sold, or such portion thereof as the part or interest redeemed shall amount to, with interest thereon at the rate of fifty per cent. per annum; of which interest twenty-five per cent. shall be paid by the State Treasurer to the purchaser, and twenty-five per cent. shall belong to the State and be passed to the credit of the general fund.

Redemption
of lands.

Sec. 94. When any land shall be redeemed as provided in the preceding section, the interest shall in all cases be computed from the day of sale up to the end of the current quarter of the year limited for such redemption.

Interest;
how computed.

Sec. 95. Upon the payment of the redemption money and interest to the county treasurer as aforesaid, he shall issue duplicate certificates of redemption in the usual form, both of which certificates shall be countersigned by the county clerk, who shall make an entry of the number of each certificate, the amount for which it was given, and the name of the person paying the same; one of which certificates shall be delivered to the person making the payment, and the other shall be transmitted by the county clerk to the Auditor General, on the first

Certificates
of redemption,
to be
issued in
duplicate,
etc.

Monday in each month, in the same manner as is now required for the transmission of duplicate receipts.

When Auditor to charge county with amount of certificate, etc.

Sec. 96. The total amount of such redemption certificate shall be charged by the Auditor General to the county returning the same, if the amount shall be found by the books of his office to be due such county; and, if not thus due, then the said amount shall be deposited in the State treasury by the county treasurer, at such times as the Auditor General shall require; and, if the said county treasurer shall refuse or neglect, for thirty days after such requirement, to pay over or deposit the amount as aforesaid, he shall be subject to a prosecution by the Auditor General, under the provisions of the thirty-sixth section, chapter one hundred and fifty-four, of the revised statutes of 1846, and upon conviction shall be punished as therein mentioned.

Bond of county treasurer to Auditor General.

Sec. 97. Every county treasurer shall, on or before the first day of June next succeeding his election, execute to the Auditor General a bond, in such sum as the said Auditor shall direct, with three or more sureties, to be approved of by the prosecuting attorney, probate judge, or circuit court commissioner of the proper county, and the said Auditor, conditioned that such treasurer, his deputy, and all persons employed in his office shall render a just and true account of all moneys received by him or them for sales of lands at the annual tax sales, and for redemption thereof, and all other money which may otherwise come into his or their hands, belonging to the State, and that he or they shall faithfully and promptly pay to the State Treasurer all such moneys received as aforesaid, whenever required so to do by the Auditor General, which bond shall be filed in the office of said Auditor.

When Auditor General may employ some person other than county treasurer to conduct sales, etc.

Sec. 98. In case the said county treasurer shall refuse or neglect to execute and file such bond at the time and in the manner aforesaid, the Auditor General shall employ, in behalf of the State, some other person to conduct the annual sales of lands delinquent for taxes, and to receive payment therefor, under his direction, any law to the contrary notwithstanding

upon such person executing and filing with the said Auditor a similar bond, with sureties as above mentioned, to be by him approved, conditioned for the faithful and prompt payment to the State Treasurer of all moneys which may come into his hands, as the proceeds of such sale or otherwise, belonging to the State, whenever required so to do by the Auditor General, as aforesaid; and a reasonable compensation for the services of such person shall be allowed and paid out of said proceeds.

Sec. 99. If the Auditor General shall discover, before the sale of any lands, as aforesaid, that for any reason they should not be sold, he shall cause the same to be withheld from sale; and, if the error through which said lands were offered for sale originated with the township or county officers, the amount for which they were so offered shall be charged against the county from which the tax was returned, and the supervisors of such county shall cause the same to be refunded to the State treasury.

Proceedings
in case of
irregularity.

Sec. 100. Whenever any lands returned to the office of the Auditor General shall have been sold on account of non-payment of taxes thereon, if the Auditor General shall discover, before a conveyance of said land is executed and delivered—

1. That the land so sold was not subject to taxation at the date of the assessment of the taxes for which it was sold; or,

2. That the taxes had been paid to the proper officer within the time limited by law, for the payment of [or] redemption thereof; or,

3. That such sale was in contravention of section eighty-four of this act; or,

4. That a certificate that no taxes were charged against said land has been given by the proper officer, within the time limited by law for the payment or redemption thereof, he shall withhold a conveyance of such lands, and shall, on demand, cause the money paid therefor to be refunded to the purchaser, with interest thereon at seven per cent.: *Provided*, That in the last-mentioned case the person in whose behalf such certificate was given shall, at the time of presenting such certificate to the Auditor General, pay to the State Treasurer, on the state-

Proviso.

ment of the Auditor General, all taxes and charges due to the State upon such land at the time such certificate was issued.

Persons interested in lands so sold may take proofs before circuit court commissioner.

Sec. 101. Any person having an interest in any lands sold as aforesaid for delinquent taxes, whether in his own right or in trust, or as executor, administrator, guardian, or trustee, may, at any time within two years from the date of the purchase, and in cases of sales at any time heretofore made by the county treasurer as aforesaid, within one year from the time this act shall take effect, and not after those periods, as hereinafter provided, make an affidavit, and file the same with the circuit court commissioner of the county in which the land is situated, setting forth that the taxes have been paid to the proper officer, or that he has good reason to believe and does believe that there are irregularities in the assessment and subsequent proceedings affecting the rights of the owner of said land, which prevented the payment of the taxes or the redemption thereof, and especially setting forth such and all such objections and alleged errors on which he relies; he may take the depositions of such witnesses before said circuit court commissioner, touching the facts required to be set forth in the affidavit on file, in the same manner and form prescribed by law and the rules of court for taking depositions, to be used in the circuit court in chancery; but not less than twenty days' notice shall be given, and at the same time a copy of the affidavit on file, to all persons having an interest in the title purchased from the State as aforesaid, of the time and place of taking such deposition, at which time and place the holder of the tax title may [take] the depositions of such witnesses as he may deem necessary, either for the purpose of impeaching the witnesses of the other party, or otherwise sustaining his said title, or in any wise affecting the issue. The commissioner shall have power to administer oaths to all such witnesses, whose depositions either party may desire, and may issue subpoenas for witnesses, and may continue the time of taking the testimony as justice may require; and said depositions, when so taken, together with the affidavit and all other papers on file, shall within ten days after the closing of

Notice to persons interested in title from State.

Power of commissioner, etc.

the taking of the same be delivered by the commissioner to the clerk of the circuit court of that county, together with such objections to the testimony as may be taken by either party; and the court shall thereupon, at the next or some subsequent term, proceed to examine the testimony, and if the court shall be satisfied that any of the [reasons] required to be, and so set forth in the affidavit on file, claiming to affect the rights of such party in interest, prevented the payment of the taxes, or that the taxes have been paid to the proper officer within the time prescribed by law for the payment or redemption thereof, said court shall render judgment accordingly, annulling said title or otherwise affirming it, as the case may be, which judgment shall be recorded as other judgments in said court, subject to be reviewed on writ of *certiorari* by the Supreme Court at any time within two years: *Provided*, That if either party shall so direct, he shall have, as in other cases, a trial of the matters of fact before said circuit court by a jury: *And provided further*, That the party may present such affidavit at any time within five years from the date of the purchase:

Court to examine testimony and render judgment.

Provided.

Ibid.

1. When the land sold as aforesaid was not subject to taxation at the date of the assessment of the taxes for which it was sold;
2. When the taxes upon the land sold as aforesaid have been paid to the proper officer, within the time limited by law for the payment or redemption thereof, and the party holds said officer's receipt therefor.

Sec. 102. Whenever any judge of the circuit court shall have annulled, for any of the reasons enumerated in the preceding section, the title to any description of land conveyed in any deed executed by the Auditor General as aforesaid, or any part thereof, the clerk of the circuit court of the county in which the land is situated shall, on application of either party, and the payment of fifty cents, make and deliver to such party a certified copy of such judgment. And whenever such copy of judgment shall be presented to the register of deeds of said county, where said deed shall have been recorded, the register shall record the same, and make a short written memorandum

Clerk of court to make copy of judgment on application.

Register of deeds to record same on presentation.

on the margin or face of the deed, of the description of the land, and that the title has been annulled or affirmed, as the case may be, and the date of the judgment, and of the recording thereof.

When purchase money etc., to be refunded to holder of annulled title.

Sec. 103. In all cases where lands sold for taxes have been conveyed by deed, and the title has been annulled pursuant to law, for any causes enumerated in section one hundred and sixty-four of this act, the Auditor General shall, on presentation of a copy of the judgment annulling the same, refund to the holder of said title the purchase money and interest thereon, as the law requires, and certify the fact to the proper county treasurer.

Such money to be refunded the State by the county, etc.

Sec. 104. Such money, when paid by the State Treasurer, shall be refunded to the State treasury by the proper county, and, in any action of ejectment brought by the owner to recover such lands, the State shall not be liable to costs.

Statement of Accounts and Settlement thereof with the Counties.

When Auditor General to state account of county treasurers.

Sec. 105. The Auditor General shall state the account of the several county treasurers, on the first day of July in each year, allowing to the several counties ten per cent. interest on such portion of the taxes unpaid on the first day of February in the same year, as shall belong to them, for township and county purposes, and shall transmit a copy thereof by mail, or otherwise, to the county clerk, who shall lay the same before the board of supervisors at their first meeting after the receipt of the same.

Annual settlement.

Sec. 106. The annual settlement of accounts between the State and the several counties shall be made at the time of the return by the county treasurers of sale of lands delinquent for taxes in their several counties.

Fees of county treasurers for duties at sales.

Sec. 107. For performing the duties pertaining to the sale of lands for non-payment of taxes, each county treasurer shall be entitled to the following fees:

For each transcript of lists of lands advertised to be offered

for sale by the county treasurer, made by him or his employes, two cents for each description of land correctly transcribed;

For making entry in sales' book, showing the disposition of the land therein described, two cents for [each] entry correctly made;

For making certificates of sale, two cents for each description of land sold to individuals and correctly certified;

Which fees shall be in full for all services rendered by the county treasurer in connection with the annual sale of lands for the non-payment of taxes: *Provided*, That in addition to the above fees each county treasurer shall be paid the actual necessary expenses incurred in making to the Auditor General the return of such sale as required by law: *And provided* further, That if any county treasurer shall fail to make his return of tax sales to the Auditor General, in the manner and within the time required by law, he shall not be entitled to any part of the pay provided in this section.

To be in full
for all ser-
vices.

Proviso.

Idid.

Sec. 108. Whenever it shall come to the knowledge of the Auditor General that any tax returned to his office has been paid to the township or county treasurers, or that there was a double assessment upon any lands, or that any parcel was so erroneously or defectively described that it cannot be sold, or that any parcel was not subject to taxation at the time said taxes were assessed, he shall forward to the treasurer of the county in which such lands shall then be situated, or to which they may be attached, a description of such lands, together with a statement of the amount of taxes, interest, and charges thereon, and specifying for what year or years such taxes were originally assessed.

Proceedings
when Aud-
itor ascer-
tains that a
tax returned
has been
paid.

Sec. 109. The Auditor General is authorized and required, in all cases where taxes upon lands returned delinquent to his office shall be rejected for any cause, or having been credited shall be charged back on the books of his office, to charge the same over to the county from which such taxes were returned, unless the lands upon which the same were assessed shall have been set off to some other county, or attached to some other

Auditor to
charge re-
jected taxes
to county.

county for judicial purposes; and in case such lands shall have been so set off or attached, they shall be charged to the county to which they belong at the time of such rejection.

County treasurer to lay statement before board of supervisors.

Sec. 110. The county treasurer receiving such certificate of the Auditor General, shall lay the same before the board of supervisors at their next session thereafter, and if such taxes shall have been rejected or charged back by the Auditor General, except for the reason that such land was not subject to taxation at the time of the assessment for such taxes, or that the taxes thereon had been once paid, or that there had been a double assessment thereof, the board of supervisors shall cause the same to be re-assessed upon the same land, and collected with the taxes of the then current year, and in the same manner.

Re-assessment of rejected taxes.

Sec. 111. If such taxes cannot be properly re-assessed upon the same lands, the board of supervisors shall cause the same or any part thereof to be re-assessed upon the taxable property of the proper township, as may appear equitable.

When board to furnish Auditor list of taxes charged to county.

Sec. 112. It shall be the duty of the board of supervisors to furnish to the Auditor General a list of all taxes which shall have been rejected or charged back to their county by him, upon lands which shall have been detached from such county subsequent to the time when such taxes were assessed, and the Auditor General shall thereupon credit to such county the amount which he may have so charged back, and charge the same to the county in which such lands may be then situated:

Provido.

Provided, Such taxes shall not have been previously paid or re-assessed.

Proceedings when tax exceeds limit fixed by law.

Sec. 113. Whenever the Auditor General shall have rejected any State, county, or township tax, for the reason that the amount assessed for any such purpose exceeds the limitation established by law, the county treasurer of the county in which the lands so assessed shall be situated shall make out and present to the board of supervisors thereof, at their next session, a list of the lands, with the taxes assessed, and the interest accrued thereon.

Sec. 114. The board of supervisors shall cause so much of ^{bid.} said taxes as shall remain unpaid, and as shall not exceed the limit fixed by law, for the year in which they were originally assessed, to be re-assessed upon the same lands, if they can legally do so, and collected with and in the same manner as the taxes for the year in which the same shall be re-assessed, as aforesaid.

Sec. 115. If any such taxes cannot be properly re-assessed ^{bid.} upon the same lands, the board of supervisors shall cause the same, or any part thereof, under the limitation aforesaid, to be assessed upon the taxable property of the proper township, as may appear equitable.

Sec. 116. If at any time it shall be discovered that the treasurer of any township has received the tax assessed upon property which he has returned delinquent, the supervisor shall have power, and he is hereby required to collect the same, in the name of his township, from such treasurer or his sureties, together with interest and charges. ^{Liability of collector, etc.}

Of Lands bid off to the State for Taxes; their Redemption and Sale.

Sec. 117. All lands heretofore bid off or that may hereafter be bid off to the State for taxes, which have not been redeemed or otherwise discharged, shall be offered for sale at the annual tax sales in October in each year. ^{Lands bid off to State to be offered at October sales}

Sec. 118. The Auditor General shall furnish to each of the county treasurers, in the month of September, in each and every year, a full and accurate statement of all the lands in his county that may have been bid in for the State, remaining unredeemed or not otherwise discharged. ^{Auditor's statement to county treasurers.}

Sec. 119. Such statement shall exhibit the aggregate amount ^{Contents of.} of all sums due to the State on each description of land, including interest thereon, at the rate of fifty (50) per cent. per annum, from the time the lands were bid in by the State to the first day of October in the year in which they shall be first offered as State tax lands, as contemplated in the preceding

Proviso. section: *Provided*, That on all State tax lands which have or should have been once previously offered at public sales, and which, remaining unsold, are again to be offered as above, there shall be charged upon the amount for which each description thereof has or should have been so offered, interest at the rate of ten per cent. per annum, from the time when they were so or should have been so first offered, to the said first day of October.

Notice of sale. Sec. 120. The Auditor General shall cause to be published for eight weeks successively (which shall be construed to mean eight publications, once a week) next previous to the first Monday of October in each year, a notice that the lands described in such statement will be sold at public auction by the treasurer of the county in which such lands are situated, at the time and place designated for the ordinary tax sales, under the direction of the Auditor General.

Time and manner of sale Sec. 121. At the time designated in the notice, and immediately previous to the sale of other lands advertised to be sold for taxes at the same time, such county treasurer shall commence the sale at the place designated, and continue the same from day to day, if necessary (Sundays excepted), until he has offered all the lands embraced in his list which have not been redeemed or otherwise discharged; and any person to whom any parcel of land shall be struck off by the county treasurer, who shall neglect or refuse to pay the amount bid by him on any parcel of land offered as above, for twenty-four hours after the list shall have been gone through, shall be subject to the penalty imposed by section eighty-six of this act.

Duty of county treasurer when a description shall be offered in list of delinquent lands. Sec. 122. In all cases when a description of land is offered as State tax land, and the same description or any part thereof shall be offered in the regular list of lands delinquent for taxes, as provided in section eighty-four of this act, it shall be the duty of the county treasurer to inform the person bidding for the description offered as State tax land of the fact, and such person shall be required to purchase the description so offered in the regular list at the same time the description offered as

State tax land is bid off by him; and, in case of his neglect or refusal so to do, the treasurer shall decline the bid of the person so refusing, but shall continue to offer such description as if no bid had [been] made thereon.

Sec. 123. The county treasurer shall, on payment of the purchase money at such sale, issue certificate[s] of sale to the purchasers in such form and make such returns to the Auditor General as shall be prescribed by him, and shall also transmit the moneys received on such sale to the State Treasurer, in such manner as is provided in section eighty-nine of this act.

Certificates of sale; issue of by county treasurer, etc.

Sec. 124. In addition to the lists required by sections seventy-eight and one hundred and eighteen of this act, the Auditor General shall also furnish annually, in the month of September, to each county treasurer a list of all State tax lands remaining unsold for five or more years from the time such lands were bid off to the State, which land shall at the next annual tax sale be offered for sale to the highest bidder, without reference to the minimum as established by law, or the cost to the State of each parcel, in taxes, interest, and charges; and all money received at such sale in excess of the amount charged against any parcel of land so offered shall be placed to the credit of the county in which such parcel of land may be situated; and, if any parcel of the land so offered shall be sold for less than the amount for which it was bid off to the State, then the proper county shall be charged with the difference between the sum for which such parcel was so sold and the amount for which it was originally bid off to the State; but such State tax lands shall be sold subject to the same conditions and restrictions in other respects as are now or may hereafter be provided by law in regard to other State tax lands; and lands to be sold under the provisions of this section shall be offered for sale prior to the sale of other State tax lands.

Sale of lands having remained unsold for five or more years.

How sale to be made, etc.

Sec. 125. The Auditor General shall, on the presentation and surrender of the State tax land certificate of sale at his office, or as soon thereafter as may be (except in cases where the land has been previously sold at the Auditor General's office, or re-

Deed to purchaser, by Auditor General.

Proviso.

deemed, when the purchase money only shall be refunded), execute a deed of the land to the purchaser or his assigns, which shall convey all the right acquired by the State under the original sale or sales: *Provided*, That such deed shall be subject to all the conditions, and have the same force and effect, as is given by section ninety-one of this act to deeds executed in accordance with the provisions thereof.

Sale at office of Auditor General, of such unredeemed lands

Sec. 126. All such lands remaining unredeemed, except such descriptions as the State may have a title to for another year or years, shall be subject to sale at any time at the office of the Auditor General, and upon the payment therefor, on his certificate, to the State Treasurer of the amount for which such lands were bid off to the State, with interest at fifty per cent. per annum, to be computed from the first day of October of the year in which such lands were bid off to the State, to the time of such application, the Auditor General shall issue to the purchaser a certificate of purchase.

Certificate of purchase therefor.

When deed to be issued to purchaser of certificate.

Sec. 127. If such lands shall be redeemed, the purchaser shall be entitled to the amount paid therefor, together with twenty-five per cent. interest, as contemplated and provided in section ninety-three of this act; if otherwise discharged, then to the amount paid by him, with interest at seven per cent. per annum, to be computed from the date of the purchase to the date of such discharge; but, if such lands are not redeemed or otherwise discharged according to law, the Auditor General shall, on the surrender of such certificate of purchase, execute to the purchaser a deed for the lands therein described.

Purchase of unsold State tax land at Auditor General's office.

Sec. 128. Any person may purchase any unsold State tax land upon application therefor at the office of the Auditor General, and upon paying to the State Treasurer, on the certificate of the Auditor General, the amount for which the same was or should have been first offered in the county as State tax land, with interest upon said amount at ten per cent. per annum, to be computed from the first day of October, in the year in which such land was or should have been so first offered in the county, to the day of making such application and payment.

Sec. 129. Upon application and payment being made, as When deed to issue. above mentioned, the Auditor General shall execute to such purchaser a deed, conveying all the right, title, and interest of the State in and to said State tax lands, acquired by virtue of the original sale or sales to the State.

Sec. 130. All the provisions of law relative to deeds executed What provisions of law applicable to State tax land deeds. by the Auditor General, on the surrender of certificates of sale of State tax lands, issued by the several county treasurers, shall be applicable to deeds executed by him for lands purchased at his office, pursuant to the provisions of this act.

Sec. 131. The purchaser of any lands bid in for the State at Office charges paid by purchaser, etc. the annual tax sales, and sold pursuant to the provisions of this act, on application to the Auditor General for a deed, shall pay an office charge of thirty cents for the first and five cents for each subsequent description contained in such deed, which shall be paid into the State treasury, to the credit of the general fund.

Sec. 132. All expenses of sale, postage, and other charges in- Expenses of sale, etc., how paid cident to the sales of lands bid in for the State, as aforesaid, shall be audited by the Auditor General, and paid out of the general fund on his warrant.

Sec. 133. In case it shall become necessary, in the prosecution Auditor General to be defendant in action of ejectment. of an action of ejectment by any person holding an adverse claim to any land bid in for the State, as provided in this chapter, the Auditor General may be defendant, and in all cases in the prosecution or defense of an action of ejectment or trespass, by any person holding or claiming land under any deed or deeds, or other conveyance of lands bid off or purchased for delinquent or unpaid taxes, the party so claiming, under and by virtue of such purchase for unpaid taxes as aforesaid, may show his title to said land and premises, whether the same was derived under one or more purchases or sales for taxes or otherwise, and may give in evidence any and all deeds of conveyance or other evidence of such purchase as aforesaid, which he may at any one or more different times have received on sales for taxes, and may claim title under any or all of them.

Right of the State to enforce collection of taxes, etc., not to be prejudiced.

Sec. 134. Neither the sale of any State tax lands, nor the sale of any of the bids of the State for which the time of redemption has not expired, shall in any wise prejudice the right of the State to enforce the collection of any tax subsequent to the year or years for which the same have been sold as aforesaid, and for the taxes and charges remaining unpaid for such subsequent year or years, the Auditor General shall cause such lands to be offered in regular succession, at the next ensuing annual sales for taxes, in the proper county, giving the notice required by law, unless previously redeemed or otherwise discharged.

All lands sold, etc., to be subject to laws pertaining to interest and redemption.

Sec. 135. All lands sold for the non-payment of taxes under the laws of this State, which were in force on the fifth day of October, eighteen hundred and sixty-eight, whether sold to individuals or bid off for the State, shall be subject to such laws as were then in force in all matters pertaining to interest and redemption, and to the refunding the purchase money in all cases wherein the sale of such land has or shall be made [void,] whether by redemption or in such other manner as was by such laws provided.

Miscellaneous Provisions.

Persons having lien, may pay taxes, etc., thereby creating additional lien.

Sec. 136. Any person who has a lien upon any lands returned for non-payment of taxes, may pay the taxes, interest, and charges thereon; and the receipt of the county treasurer or State Treasurer therefor, duly countersigned, shall constitute an additional lien on such lands to the amount therein specified; and the amount so specified shall be collectable, with interest thereon, in the same manner as the original lien.

Penalty for neglect, by certain officers.

Sec. 137. If any township clerk or supervisor shall willfully neglect or refuse to perform any of the duties required of him by the provisions of this act, he shall forfeit and pay a sum not exceeding five hundred dollars to any person injured by each case of such neglect, but such sum shall not exceed the injury sustained.

Sec. 138. The board of supervisors of each county shall, at their annual session in each year, transmit to the prosecuting attorney the names and places of abode of all township clerks and supervisors within their county, who shall have incurred any forfeiture under the provisions of this act, and such prosecuting attorney shall immediately prosecute for such forfeiture.

Board of supervisors to notify prosecuting attorney of forfeitures.

Sec. 139. All losses that may be sustained by the default of the treasurer of any township shall be chargeable on such township; and all losses that may be sustained by the default of any county treasurer, in the discharge of the duties imposed by this act, shall be chargeable on such county, and the board of supervisors of such county shall add such losses to the next years' taxes of such township or county.

Losses by default of town or county treasurers.

Sec. 140. The Auditor General shall from time to time furnish suitable blanks, in addition to those required by the preceding provisions of this act, for returns of unpaid taxes, receipts, and certificates of sale, which shall be sent to the several county treasurers.

Auditor General to furnish blanks required.

Sec. 141. The assessors of the several wards in the city of Detroit shall have and exercise the powers and duties of supervisors, and the collectors of the several wards in said city shall have and exercise the powers and duties of township treasurers, under the provisions of this act.

Detroit; who to perform duties of supervisors and treasurers therein.

Sec. 142. The Auditor General shall, from time to time, whenever he shall find it necessary, cause to be printed at the expense of the State a sufficient number of copies of this act, with such forms of proceeding under the same, as may be necessary and proper, to furnish one copy to each supervisor, township treasurer, township clerk, and county clerk, and three copies to each county treasurer, and shall transmit to each county treasurer, at the expense of the county, a sufficient number for such county; and every county treasurer receiving such copies shall immediately transmit to [the] township clerk of each township five copies, to be distributed by him to the officers entitled thereto.

Authority of Auditor to print act, etc.

Liability of
officers for
neglect to
perform
duties.

Sec. 143. Any officer who shall willfully neglect or refuse to perform any of the duties imposed upon him by this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail not exceeding one year, or by fine not exceeding five hundred dollars, in the discretion of the court.

Rights of
parties to
surplus arising
from sale
of taxes.

Sec. 144. Whenever a surplus arising from the sale of any property distrained for taxes shall be claimed by any other than the person for whose tax such property was sold, and such claim shall be contested by such person, such claimant may prosecute an action against such person; or the person for whose tax such property was sold may prosecute such action against such claimant, as for money had and received; in which action the right of the respective parties to such surplus shall be tried and determined.

Proceedings
to deter-
mine.

Ibid.

Sec. 145. For the purpose of such action, the defendant shall be deemed to be in possession of the surplus in the hands of the township treasurer, and, upon the presentation to such treasurer of a certified copy of the final judgment rendered in such action, the said treasurer shall pay over the same to the party recovering such judgment; and no township treasurer shall be liable to any claimant of such surplus, the right to which is contested as provided in this act, until he shall have refused to pay over such surplus, upon the production of a certified copy of a judgment as aforesaid.

Ibid.

Sec. 146. In any action brought pursuant to the two last preceding sections, no other cause of action shall be joined, nor shall any set-off be allowed; and, if an execution issue on a judgment so rendered, it shall direct the costs only of such action to be levied by virtue thereof.

Duty of
prosecuting
attorney.

Sec. 147. It shall be the duty of the prosecuting attorney of each county to give his counsel and advice to the county treasurer, the township treasurer, and the supervisors of the county, whenever they or any of them may deem it necessary, for the proper discharge of the duties imposed upon them in this act, free of charge.

Sec. 148. Whenever any county treasurer shall pay to any township treasurer any moneys on account of taxes returned from such township, it shall be the duty of such county treasurer immediately to notify the clerk of the proper township of the amount so paid to such township treasurer.

County treasurers paying money to township treasurers, to notify township clerk.

Sec. 149. In all cases of sale of lands for taxes, if the purchaser or his assigns shall die before a deed shall be executed on such sale, the deed may be executed by the Auditor General, to and in the name of such deceased person, if such person, being still alive, would be entitled to the same, which deed shall vest the tax title in the heirs or devisees of such deceased person in the same manner and liable to like claims of creditors and other persons as if the same had been executed to such deceased person immediately previous to his death; or the deed may issue to the assignee of said deceased person, his executors, or administrators; and, in like cases, which have heretofore occurred, the same rules shall apply, and to all deeds heretofore issued in the name of any deceased person, who, if living at the time of the execution thereof, would have been entitled to said deed, as above provided.

In case of death of purchaser or assignee, to whom deeds to issue, etc.

Sec. 150. The supervisors of every township in which there shall be assessed the interest of any purchaser of university, primary school, State building, normal school, asylum, swamp, salt spring, or other lands, the title of which vests in the State, as personal property, shall, on or before the first day of November, in the year when the same was so assessed, transmit to the treasurer of his county a list of all such lands, containing a full description thereof, together with the names of the persons to whom the same was so assessed.

Description of university, primary school, etc., land, to be returned by supervisor to county treasurer.

Sec. 151. The several county treasurers shall, at the same time and in the same manner they are now required to return to the office of the Auditor General, lands delinquent for taxes in their respective counties, return to the State land office a statement of all university, primary school, State building, normal school, asylum, swamp, and salt spring, and other lands, the title of which vests in the State, upon which, from returns

County treasurer to make return to State land office.

made to them by the township treasurer, it appears the taxes assessed have not been paid and cannot be collected.

Commission-
er to enter
same, etc.,
in books.

Sec. 152. The Commissioner of the State Land Office shall provide suitable books, and enter in the same the description of every parcel of land so returned to his office, and the taxes assessed on the same.

Forfeiture in
case of neg-
lect to pay
taxes there-
on.

Sec. 153. The purchaser or purchasers of any parcel of land so returned, or the person or persons claiming to have any interest in the same, as the assignee or legal representative, in any other capacity, of such purchaser, shall, under pain of forfeiting his or their interest in such lands and in the certificates thereof, on or before the first day of July next succeeding the time when such annual interest is payable, pay to the State Treasurer the amount of taxes assessed upon any description of the lands so returned, with interest thereon from the first day of February following the assessment of the same, at the rate of fifteen per cent. per annum, and in addition thereto, on each description, the sum of thirty cents, to defray the expenses of the collection of such taxes: *Provided*, That on all such taxes remaining unpaid on the first day of June following the assessment of the same, interest shall be computed at the rate of thirty per cent. per annum, and from said first day of February.

Proviso.

Ibid.

Sec. 154. Every parcel of land returned under the provisions of this act, upon which the taxes and interest and charges aforesaid shall remain unpaid at the expiration of the time within which payment thereof is required to be made by the last preceding section, shall be deemed to have been forfeited to the State by the purchaser thereof, his assigns, or other legal representatives, and the land so forfeited shall be subject to sale and redemption in the same manner as other forfeited university and primary school lands now are.

When com-
missioner to
furnish Au-
ditor state-
ment of tax-
es paid.

Sec. 155. The said Commissioner shall, on or before the first day of May and November in each year, make out and furnish to the Auditor General a statement containing a description of the lands upon which the taxes have been paid, and the amount of taxes, interest, and charges paid on such lands; and shall

also, at the same time, transmit to the several county treasurers of the several counties of the State, a copy of such statement, so far as the same relates to each county respectively, and the county treasurer shall credit the respective townships with the portion of such taxes and interest belonging to them respectively.

Sec. 156. The Auditor General shall credit to the proper counties the taxes so paid, with the rate of interest allowed on other delinquent taxes, and place the balance of moneys arising from such interest and charges to the credit of the general fund.

Auditor General to credit counties.

Sec. 157. The board of supervisors of any organized county, to which is attached any unorganized territory for judicial purposes, may appoint one or more assessors, to be duly qualified, who shall hold their office until others are appointed, whose duty it shall be to assess the property liable to taxation in such unorganized territory, in the same manner as is herein prescribed for the supervisors of organized townships; who shall take, complete, and deliver the same to the county clerk of such organized county on or before the first day of October, which roll shall be equalized, and so make the aggregate valuation of said county, the same as the other township rolls; and the relative amount of State and county tax, together with the expense of assessment and collection, shall be apportioned [apportioned] to the property of said rolls the same as that of the several townships. It shall be the duty of the county clerk to affix the taxes so apportioned to a true copy of said roll, to annex his warrant thereto, to deliver the same to the sheriff, who shall give bonds to the county treasurer that shall be approved by him, to collect and pay over the same, in the time, manner, and under the same restrictions as is herein prescribed for the town treasurers to collect and pay to the county treasurer their several State and county taxes. Said assessors shall be empowered, at any time before the first day of October, to make and complete an assessment in any organized townships that may fail or neglect to make or complete an assessment roll within the time re-

Appointment of assessors for unorganized territory, by board of supervisors, etc.

Duty of county clerk.

Power of assessor to complete assessment, etc.

quired by this act, and shall deliver the same to the county clerk, who shall affix the taxes to a true copy thereof, and deliver the same to the sheriff of said county, who shall give bonds to the county treasurer, collect, and pay over the same in like manner as is required for the unorganized portion of said counties.

Improvements by purchase, to be a lien on lands.

Sec. 158. If any person, dispossessed of lands purchased in pursuance of the provisions of this act, shall have made valuable improvements thereon, he shall be entitled to receive what such improvements are reasonably worth, to be assessed on the trial of said cause, and the same so assessed shall be a lien on said land till paid.

Duty of county treasurer when time is extended for collection of taxes in township, etc.

Sec. 159. Whenever any township, village, or ward of a city shall ask and obtain an extension of time for the collection of taxes, it shall be the duty of the county treasurer of the county in which such township, village, or ward of a [city] is located, to compute the interest due on the tax so extended, and charge the same to the township, village, or ward of the city that obtained such extension, but in no case shall the interest thus computed become a general charge to the county.

Returns by town treasurers in newly organized counties; to whom made.

Sec. 160. When any new county shall be organized, the officers elected and qualified after the State and county tax has been assessed in such new county, by the county to which it had been attached, and before the township treasurers have made their returns, the said township treasurers of such newly organized counties shall make their returns to and pay over the moneys and settle with the county treasurer of the county from whom they received their warrants, and to whom they have given bond, and the collection of said taxes shall proceed and be made as though no new county had been organized or set off.

Law for apportioning rights, etc., of newly organized counties.

Sec. 161. Such newly organized county, and the county to which the same, or any part thereof was formerly attached, shall settle and adjust their equitable rights in a division and apportionment [apportionment] of taxes between them, according to the provisions of section twenty-one, of chapter nine, of the

compiled laws, and the sections following, to section twenty-five, inclusive.

Sec. 162. The Auditor General of this State is hereby authorized to execute a second deed upon tax sale certificates, in all cases in which he shall be satisfied, by sufficient proof, that the original deed and record thereof in the proper county have been, or that such deed, if not recorded, has been lost or destroyed, which said deed shall declare upon its face that it is a second deed, and shall be executed to the same party only as the first, and shall recite the loss or destruction of the former deed, and its date, if possible, and shall only have the same force and effect; and it shall inure for the benefit of the grantee in the first, his heirs or assigns, as the case may be, in the same way as the first would have done if it had not been lost or destroyed, and shall have no other effect whatsoever.

Sec. 163. No general or special tax authorized to be raised by the laws of this State, and which shall be assessed upon any property in any township or ward within the State, shall be held illegal or invalid for want of any matter of form in any matter or thing not affecting the merits of the case, and which shall not prejudice the rights of the party assessed; nor shall any sale of property for non-payment of the taxes thereon be invalid unless it shall be made to appear that the legal taxes, costs, and charges were tendered to the proper officers within the time limited by law for the payment of all such taxes; or, in case of the sale of real estate, unless it shall be made to appear that all legal taxes assessed upon such real estate, together with all legal costs and charges thereon, were tendered to the officer authorized to receive such redemption money, within the time limited by law for the redemption thereof, and all taxes assessed upon any property in this State shall be presumed to be legally assessed until the contrary is affirmatively shown; and no sale of real estate for non-payment of the taxes thereon shall be rendered invalid by showing that any paper, certificate, return, or affidavit required to be made and filed in any office is not found in the office where the same ought to be filed

When Auditor to issue second tax deed.

When tax not to be held illegal, etc.

or found; but, until the contrary is proven, the presumption shall be, in all cases, that such certificate, paper, return, or affidavit was made and filed in the proper office.

Proof required to defeat title to deed of land, sold for taxes.

Sec. 164. In all suits and controversies involving the title to land, claimed and held by virtue of a deed executed by the Auditor General of this State, for non-payment of the taxes thereon, the person claiming adverse title to such deed shall be required to prove, in order to defeat the title conveyed by such deed, either that the land described therein was not subject to taxation at the date of the assessment of the tax for which it was sold; or that the taxes, for the non-payment of which such land was sold, were paid to the proper officer within the time limited by law therefor; or that the same had not been assessed for the taxes for the non-payment of which it was sold; or that the same had been redeemed pursuant to law; or that a certificate, in proper form, had been given by the proper officer, within the time limited by law for paying taxes, or redeeming from sales made for the non-payment thereof, stating that no taxes were due, or that the lands were not subject to redemption; but no person shall be permitted to question the title acquired by such Auditor General's deed, without proving that he, or the person through whom he claims title, had title to the land at the time of the sale thereof for non-payment of taxes, or subsequently, which title was acquired from the United States or from this State.

When conveyance by Auditor General shall prove invalid, etc., the lien of State for taxes shall remain in full force, etc.

Sec. 165. If any conveyance, made by the Auditor General pursuant to a sale made for non-payment of taxes, shall prove to be invalid and ineffectual to convey title, for any other cause than such as are enumerated in the preceding section, the lien which the State had on such land for its rightful proportion of taxes for State, county, township, and all lawful purposes, shall remain in full force, and shall be transferred by such deed to the grantee and vested in him, his heirs and assigns, who shall be entitled to recover from the owner of such lands the amount of such legal taxes, together with all the lawful charges, with interest at twenty-five per cent. from the date of such sale, and

also the amount of all subsequent taxes paid by the person holding such title from the Auditor General, with like interest; and such claim shall be a lien upon such lands, and the same shall be bound for the payment thereof; and, in case judgment shall be rendered against the person holding title from the Auditor General, as aforesaid, for the recovery of such land, in any action of ejectment, or other action, either at law or in equity, the court shall ascertain the amount due to the party holding such tax deed, for principal and interest, and for all improvements made by him on such lands, and shall decree the payment thereof within such reasonable time as may be determined by such court; and in default of such payment, shall decree that such lands be sold therefor, or sufficient thereof to pay the account [amount] of such improvements, principal and interest, due to the party having such Auditor General's deed: *Provided*, That there shall be [no] right of redemption of such Proviso. property after the date of sale.

Sec. 166. Any person holding any deed of lands, executed by the Auditor General for non-payment of taxes, may commence a suit in the circuit court in chancery, of the county where such lands lie, to quiet his title thereto, without taking possession of such lands; and all parties who have or claim to have, or appear of record in the register's office of the county where such land is situated, to have any interest in such land, may be made defendants in such suit; and no outstanding unrecorded deed, mortgage, or claim shall be of any effect as against the title or right of the complainant, as fixed and declared by the decree made in such case; and if, upon hearing of such cause, it shall appear that the complainant's title was invalid for any cause not enumerated in section one hundred and sixty-four of this act, such suit shall not be dismissed by the court, but the court shall ascertain the amount due to the complainant, for principal, and interest to be computed at twenty-five per cent. per annum, and shall decree the payment thereof within a reasonable time, by the owner of such land,

Proceedings in suit to quiet title.

Who may be made defendants, etc.

and in default thereof shall direct that such land be sold therefor, and that the equity and right of redemption of all defendants in such suit, and all persons claiming under them, shall be forever foreclosed: *Provided*, That the proceedings in such cases shall be conducted in the same manner, as near as may be, and in conformity with the practice in case of foreclosure of mortgages.

Proviso.

Acts
repealed.

Sec. 167. An act entitled "An act to provide for assessing property at its true value, and for levying and collecting taxes thereon," approved February 14th, 1853, and all acts and parts of acts amending said act; also, an act entitled "An act to provide for the collection and return of taxes by township treasurers, in newly organized counties, in certain cases," approved January 2nd, 1861; also, an act entitled "An act to authorize the Auditor General to execute second tax deeds, in certain cases," approved March 12th, 1861; also, an act entitled "An act to authorize the Auditor General to refund money paid for taxes, and on tax sales, in certain cases," approved March 18th, 1863; also, an act amending said last-named act, approved March 21st, 1865; also, an act entitled "An act relative to extending the time for the collection of taxes," approved March 18th, 1865; also, an act entitled "An act to provide for the recovery of taxes paid on real estate, by persons claiming title thereto, in certain cases," approved March 20th, 1865; also, an act to provide for the taxation of improvements upon homestead lands, as personal property, approved March 21st, 1867, and all acts amending any and all of said acts, are hereby repealed: *Provided*, That the repeal of acts mentioned in this act shall not affect any act done, sale made, or right acquired or established previous to the time such repeal shall take effect.

Proviso.

Sec. 168. This act shall take immediate effect.

Approved April 6, 1869.

[No. 170.]

AN ACT to amend section fifty-seven, of chapter ninety, of the revised statutes of the year one thousand eight hundred and forty-six, and the acts amendatory thereof, approved January twenty-ninth, eighteen hundred and fifty-eight, relative to the examination of witnesses in cases in chancery.

SECTION 1. *The People of the State of Michigan enact, That* ^{Section amended.} section fifty-seven, of chapter ninety, of the revised statutes of the year eighteen hundred and forty-six, as amended by act number four, of the session laws of the year eighteen hundred and fifty-eight, entitled an Act to amend the revised statutes of eighteen hundred and forty-six, and other statutes, so as to adapt them to the organization of the present Supreme Court, and to define more accurately the duties of the judges of circuit courts and of circuit court commissioners, approved January twenty-ninth, eighteen hundred and fifty-eight, be and the same is hereby amended to read as follows:

Sec. 57. Either party to a cause in chancery shall have the ^{Concerning right of either party to examine all witnesses.} right to an examination of all the witnesses in the case, in open court, as in a suit at law, if within ten days after the cause is at issue he gives notice in writing to the opposite party of his intention to claim such right, in which case no commission shall be issued, nor examination of witnesses had before a circuit court commissioner, but the cause shall be heard in its course on the calendar by examination of witnesses in open court, unless the court, on cause shown, shall otherwise direct, as in a suit at law: *Provided*, That if notice shall not be given at the ^{Provide.} time and in the manner aforesaid, a commission may be issued and the testimony of the witnesses in said cause taken before a circuit court commissioner, as provided by the rules and practice of said court: *And provided further*, That in case any cause ^{ma} in chancery shall be so tried in open court, either party shall be entitled to make and settle a case setting forth the evidence at large before the judge who tried the same, at such time and in such manner as said judge shall direct, or as shall be prescribed by the rules of said court. And upon the making and

filing of such cause within three months after such trial, the same shall be taken and deemed to be the evidence in said cause, to the same extent and with like effect as if the said testimony had been taken before a circuit court commissioner, and certified by him.

Approved April 6, 1869.

JOINT RESOLUTIONS.

[No. 1.]

JOINT RESOLUTION asking the Congress of the United States to pass the tariff bill now pending in the Senate, for the relief of copper mining.

Whereas, Foreign ores, mostly the product of peon and slave labor, have to a large extent been imported, and continue to be imported into the United States at a nominal rate of duty, to wit, five per cent. *ad valorem*;

And whereas, The rates of duty on all articles which enter into copper mining are so high as to make the discrimination in favor of foreign ores and against copper mined in this country palpably unequal, unjust, and most oppressive to the copper mining interests of the United States;

And whereas, The State of Michigan is largely interested in the production of copper, and the mines of Michigan, in consequence of such an unequal taxation, and of the competition growing out of the importation of such foreign ores, are in a greatly depressed and prostrated condition, more than three-fourths of the active mining companies having suspended work altogether, causing great distress among a hard-working and industrious population, entirely dependent on the working of the mines for support, and also preventing the development of the great mineral wealth of our State;

And whereas, A bill for the relief of the copper mining interest of our country, which interest is one of the most important in this State, has passed the House of Representatives by a vote of more than two-thirds of its members, and is now pending in the Senate;

And whereas, Iron, lead, and other mineral products of the United States are protected by a duty of about fifty per cent., while foreign copper ores, under present rates, pay five per cent. only;

And whereas, The bill now pending in Congress calls for a duty of only twelve to fifteen per cent. *ad valorem*; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, in Legislature assembled, That the Senate of the United States be and are hereby most respectfully, but earnestly and specially called upon to give this most important measure, now in their hands, a favorable consideration; and the Senators from Michigan are hereby instructed, and our Representatives in Congress are requested to use all honorable means to promote the passage of the bill referred to.

Approved January 8, 1869.

[No. 2.]

JOINT RESOLUTION asking Senators and Representatives in Congress from Michigan, to secure the passage of the river and harbor appropriation bill, now pending in the United States Senate.

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and are hereby requested to use their best endeavors to secure the early passage of the House bill appropriating money for the improvement of the harbors within the State of Michigan, now pending before the U. S. Senate.

Resolved, That his Excellency the Governor be requested to transmit copies of the foregoing to each of our Senators and Representatives in Congress.

Approved January 30, 1869.

[No. 3.]

JOINT RESOLUTION to provide for paying publishers of newspapers for publishing the constitution of eighteen hundred and sixty-seven, as provided by the schedule of said constitution.

Whereas, The constitutional convention of eighteen hundred and sixty-seven, made provision in the schedule for the payment, under the direction of the Legislature, of twenty dollars to every publisher of a newspaper in the State who published the proposed constitution in the month of January, in the year one thousand eight hundred and sixty-eight; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the State Treasurer be and he is hereby required to pay upon the warrant of the Auditor General, twenty dollars to every publisher of a newspaper in this State, who furnishes satisfactory proof to the Auditor General that he published said constitution as required by said convention.

2d. Said resolution shall take immediate effect.

Approved January 30, 1869.

[No. 4.]

JOINT RESOLUTION asking for a grant of \$50,000 in money, to deepen St. Mary's Falls Ship Canal.

Whereas, The draft of water in St. Mary's Falls Ship Canal, connecting lakes Huron and Superior, is only eleven feet;

And whereas, The transportation of iron, iron ore, copper, and other freights has greatly increased, and will increase still more rapidly in the future; and the completion of the Saint Paul and Lake Superior Railroad will soon create a large commerce in wheat and other products from Minnesota and northern Wisconsin, over this thoroughfare;

And whereas, The present depth of said canal is now insufficient for the passage of loaded vessels of the size heretofore and now in use in the upper lakes, thus compelling vessels to

take on only partial cargoes, to the great detriment of the commerce, mining, and other interests of this region;

And whereas, The deepening of said canal twelve or eighteen inches, can be accomplished for the sum of \$50,000, and thereby a sufficient depth be given for all the lake craft plying on said waters; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representatives requested to use all honorable means to obtain an appropriation of \$50,000 in money, to be expended in deepening St. Mary's Falls Ship Canal.

Resolved, That the Governor be and he is hereby requested to transmit copies of this joint resolution to each of our Senators and Representatives in Congress.

Approved February 18, 1869.

[No. 5.]

JOINT RESOLUTION asking Senators and Representatives in Congress from Michigan, to urge the speedy erection of a light-house at the mouth of the Manistee river, in the county of Manistee.

Whereas, The rapidly increasing commerce of the port of Manistee, in the county of Manistee, urgently requires the speedy erection of a light-house at said place;

And whereas, An appropriation has been made by the Congress of the United States for the purpose of erecting a light-house at the place aforesaid;

And whereas, A deed of a site for said light-house has been duly executed and delivered to the proper officer to receive the same; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and are hereby requested to use their best endeavors

to secure the speedy erection of a light-house at Manistee, aforesaid.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved February 24, 1869.

[No. 6.]

JOINT RESOLUTION requesting our members of Congress to use their influence in procuring the passage of an act granting the right of way and aid to the State of Michigan, for the purpose of aiding in building a railroad from the shore of Green Bay, or Bay De Noc, to the iron district, in Menominee county.

Whereas, Large deposits of iron ore have, within the last two years, been discovered in the interior of Menominee county;

And whereas, The whole country between the shore of Green Bay and said deposits of iron ore is a wilderness, with no roads or settlements;

And whereas, To open up said mines and to make them useful to this State and nation, it is necessary that a railroad be constructed to the same; and believing that not only the State, but the whole country will be benefited by opening said mines to the world; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use all proper efforts for the passage of an act granting the right of way through lands of the United States, and aid for the construction of a railroad from said deposits of iron ore, to the most feasible point on Green Bay, or Bay De Noc: *Provided*, That if the aid asked shall be granted in the form of an appropriation of lands, said lands shall not be taken out of market, but shall be held subject to sale, and the proceeds thereof held as a fund in trust to be applied in aid of said railroad.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved March 4, 1869.

[No. 7.]

JOINT RESOLUTION to provide for applying the surplus funds in the State treasury, in payment of the interest-bearing bonds of the State.

Whereas, It is shown by the recently published report of the State Treasurer, that there is a large surplus fund in the State treasury;

And whereas, Prudence and sound policy require that all surplus funds in the State treasury, over and above what is absolutely necessary to be retained therein for the payment of current expenses and appropriations, should be applied as rapidly as possible by the State Treasurer, in payment of the interest-bearing bonds of the State, without being restricted to the payment of any particular class of bonds, but being authorized to pay and redeem any of the interest-bearing bonds of the State, that he can procure to the best advantage, at a rate not exceeding their par value, which he has not heretofore been fully authorized by law to do;

And whereas, None of said bonds become due prior to January first, eighteen hundred and seventy-three, and none are redeemable at the pleasure of the State, except the war loan bonds, of which there are now outstanding, drawing interest, the amount of eight hundred and ninety-six thousand five hundred dollars, which, according to their terms as expressed in the bonds, are payable on the first day of January, eighteen hundred and eighty-six, or at any time prior thereto, that the State of Michigan may choose;

And whereas, While the experience of the past year has demonstrated that the bonds of this State, other than the war loan

bonds, cannot be purchased in any considerable quantities, except at a premium, fortunately for the State, these war loan bonds, by their optional provision afford an opportunity by their redemption to largely reduce the State indebtedness, and save annually a large amount of interest without the payment of any premium; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That it shall be the duty of the Governor, the State Treasurer, and the Auditor General, on the "twenty fifth day of March, eighteen hundred and sixty-nine," and at least once in every six months thereafter, to jointly examine into the condition of the treasury, as to the amount of money on hand and the probable current receipts and necessary disbursements, and to determine the maximum amount of funds that can then be used for the purchase of State bonds, after retaining a sufficient amount in [the] treasury to meet the current demands upon it that are authorized by law.

Resolved further, That when the Governor, State Treasurer and Auditor General shall, according to the preceding resolution, have determined what amount can safely be used for the purchase of bonds, it shall then be the duty of the State Treasurer, as rapidly as possible, to invest the amount so determined, or such a portion of it as he is able, in the purchase of any of the interest-bearing bonds of this State, other than the war loan bonds, at a rate not exceeding their par value; and whatever portion of said amount he is not able to so invest prior to the thirty-first day of March and the thirtieth day of September in each year, he shall then use in the payment of the war loan bonds, in the manner provided in the act authorizing their issue, being act number five, of the laws of eighteen hundred and sixty-one, extra session, until all [of] said war loan bonds are paid and redeemed, and all the bonds paid in accordance with the provisions of this joint resolution shall be canceled in the manner provided by law.

Resolved, That this joint resolution shall take immediate effect.

Approved March 6, 1869.

[No. 8.]

JOINT RESOLUTION for the relief of Theron Ford and William H. Haze.

Whereas, By act number two hundred and thirty-one, of the session laws of eighteen hundred and forty-eight, and the acts amendatory thereof, the Board of State Auditors were authorized, on application in writing by any religious denomination of professing Christians, and the payment of the sum of five dollars, to convey to such societies suitable grounds for the erection of houses of public worship in the town of Michigan (now city of Lansing;)

And whereas, Lot number one, block number eighty-three was selected by the "New Church Society," and the said sum of five dollars was paid by said society, and a certificate of sale was issued to said society, as appears by the records in the office of the Commissioner of the State Land Office;

And whereas, The said New Church Society having failed to pay the taxes upon said lot, the same was repeatedly sold and decreed by the State for taxes;

And whereas, Theron Ford, of Lansing, Ingham county, Michigan, has purchased the title to the north forty-four feet, and William H. Haze, of the same place, has purchased the title to the south twenty-two feet of said lot one, block eighty-three, transferred, as aforesaid, by the State in said tax deeds; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors are hereby authorized and directed to convey to the said Theron Ford the said north forty-four feet, and to said William H. Haze the said south twenty-two feet of lot one, block eighty-three, according

to the recorded plat of the said city of Lansing, upon the payment into the State treasury by Theron Ford, of two-thirds, and by William H. Haze of one-third of the original valuation of lot one, block eighty-three aforesaid, and interest from the date of the first tax deed from the sale of said lot: *Provided*, That neither said Theron Ford, William H. Haze, nor any other person shall have any claim upon this State for money paid for taxes, or for tax titles on said lot one, block eighty-three.

This joint resolution shall take immediate effect.

Approved March 8, 1869.

[No. 9.]

JOINT RESOLUTION ratifying the proposed amendment to the Constitution of the United States.

Whereas, The Congress of the United States, after solemn and mature deliberation therein, has by a vote of two-thirds of both houses, passed a concurrent resolution, submitting to the Legislatures of the several States a proposition to amend the constitution of the United States, which resolution is in the following words:

Resolved by the Senate and House of Representatives of the United States of America, in Congress assembled, (two-thirds of both houses concurring,) That the following article be proposed to the Legislatures of the several States as an amendment to the constitution of the United States, which, when ratified by three-fourths of said Legislatures, shall be valid as part of the constitution, namely:

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That in the name and behalf of the people of this State, we do hereby ratify, approve, and assent to the said amendment.

Resolved, That a copy of this assent and ratification, engrossed on parchment, be transmitted by his Excellency the Governor to the Senate and House of Representatives of the United States in Congress assembled, and to the Secretary of State of the United States.

Approved March 8, 1869.

[No. 10.]

JOINT RESOLUTION granting block No. 137, city of Lansing, to the city of Lansing for a public park.

Whereas, Block number one hundred and thirty-seven, of the city of Lansing, State of Michigan, has been reserved from sale, and set apart as a public square, and now remains unimproved and is covered in part by a pool of stagnant water, extremely deleterious to the public health;

And whereas, The grading of adjacent streets has rendered the grading of said block and the laying down of sidewalks highly necessary; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he hereby is authorized and directed to convey to the said city of Lansing, said block number one hundred and thirty-seven, according to the recorded plat of said city, on condition that said city shall use, improve, and occupy said block for a public park, and for no other purpose.

Approved March 13, 1869.

[No. 11.]

JOINT RESOLUTION asking Congress for an appropriation of money to improve the harbor at the mouth of the Cheboygan river, on the Straits of Mackinaw.

Whereas, The great and rapidly increasing commerce of our inland seas, and the frequent great loss of life and property by shipwreck, in the vicinity of the Straits of Mackinaw, imperatively demand safe and convenient harbors of refuge;

And whereas, Duncan City, at Cheboygan river, has become one of the great lumber and timber shipping points in the State, and possesses great agricultural and fishing advantages, and its inhabitants have constructed a substantial and expensive lock around the rapids of the Cheboygan, which greatly facilitates inland navigation;

And whereas, The mouth of the Cheboygan river being naturally a good harbor, and can be dredged and deepened at small expense, and made a safe and convenient port for the larger class of vessels and steamers engaged in the enormous carrying trade of the lakes; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their influence to procure an appropriation of money to improve the harbor at the mouth of the Cheboygan river.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress, and to the Governors of the States of Illinois, Wisconsin, Minnesota, Ohio, Pennsylvania, and New York, with the request to call the attention of their respective legislatures to this subject, and secure their coöperation.

Approved March 13, 1869.

[No. 12.]

JOINT RESOLUTION for the payment of the claim of William Beard and others.

Whereas, The Legislature of eighteen hundred and fifty-seven, by act number one hundred and forty-seven, appropriated fifty thousand dollars from the internal improvement fund "for the improvement of the navigation over the sand flats of the Muskegon river," and the contract for said work was let to John A. Brooks, the lowest bidder, and by him was duly assigned to William Beard, of the city of Brooklyn, State of New York, who performed the work in a faithful manner, according to the contract, and the work was duly accepted by the commissioners and the then Governor of the State, and said work, after ten years of use, has proved one of great public utility and benefit to a large section of the State;

And whereas, The Board of State Auditors, under an act of the Legislature, have audited and allowed the claim of said William Beard and others, for the amount of the said contract, and interest thereon, and the Legislature of eighteen hundred and sixty-seven, by act number fifty-six, did provide for the payment of said claim by tolls to be collected from the said work;

And whereas, The Supreme Court of the State has perpetually enjoined the collection of said tolls, upon the ground substantially, that the State cannot pay its obligations by levying tolls upon the commerce of a locality;

And whereas, The act of Congress, approved June twenty-fifth, eighteen hundred and thirty-six, "supplementary to an act entitled an act to establish the northern boundary line of the State of Ohio, and to provide for the admission of the State of Michigan into the Union on certain conditions therein expressed," provides as follows: "That five per cent. of the net proceeds of the sales of all public lands lying within the said State which have been or shall be sold by Congress, from and after the first day of July, eighteen hundred and thirty-six,

after deducting all the expenses incident to the same, shall be appropriated for making public roads and canals within the said State, as the Legislature may direct," which said moneys are annually received by the State Treasurer from the General Government; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and he hereby is authorized and directed to draw his warrant upon the State Treasurer for all moneys which may from time to time, after the passage of this act, come into the State treasury from the United States as five per cent. of the proceeds of the sales of all the public lands lying within this State, under the provisions of the act of Congress providing for the admission of the State of Michigan into the Union on certain conditions, approved June twenty-fifth, eighteen hundred and thirty-six; and the State Treasurer shall pay the same to Francis B. Gilbert, of the city of Grand Rapids, the agent and trustee of William Beard and others, until a sufficient sum has been paid to liquidate the claims of said Beard and others, for the construction of the work for the improvement of navigation over the sand flats of Muskegon river, under the provisions of act number one hundred and forty-seven, of eighteen hundred and fifty-seven, as audited and allowed by the Board of State Auditors, excepting those who have accepted and received swamp lands upon their claims; and when said claims have been fully liquidated, such payments shall cease.

This joint resolution shall take immediate effect.

Approved March 13, 1869.

[No. 13.]

JOINT RESOLUTION asking the General Government for a grant of land, to aid in the construction of the Mineral Range Railroad.

Whereas, The development of the mineral resources of the Lake Superior region of the State of Michigan has become a subject of national importance;

And whereas, The greater portion of the mineral range of said region, extending from Keweenaw Point to the west end of Lake Superior, is distant from a safe harbor and approachable only by land carriages, the expense of which is so great as to preclude the successful opening and working of the mines;

And whereas, A company for the construction of a railroad on said mineral range has perfected its organization under the laws of the State of Michigan, which company proposes to build said road within ten years;

And whereas, The construction of said road will open to the market of the world the inexhaustible wealth of said mineral range, giving employment to thousands of laborers, and adding largely to the national revenue;

And whereas, The national government has adopted the policy of disposing of portions of the public domain, as a proper means to develop the resources of the country, and has made liberal grants of land to aid in the construction of railroads; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That we respectfully ask the Congress of the United States to grant to the State of Michigan six sections of land for each mile of said road, from Copper Harbor to the head of Lake Superior, said lands to be selected from the lands belonging to the general government in the Upper Peninsula, and authorizing any company that may build said railroad, to sell sixty sections of said land upon the completion of every ten consecutive miles of said railroad, or, upon the completion of each ten consecutive miles of such railroad, the general Congress will devote the proceeds of the sale of sixty sections of the land appropriated for the benefit of said road, in such manner as they shall consider best calculated to secure the early, entire and thorough completion of such railroad.

Resolved, That our Senators in Congress be instructed, and our Representatives requested to use all honorable means to secure the immediate grant of said lands for the purpose set forth in the preamble to these resolutions.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved March 13, 1869.

[No. 14.]

JOINT RESOLUTION for the relief of Charles Chandler, administrator of the estate of James McDonald, deceased.

Whereas, A certificate for the sale of primary school land, numbered 694, was heretofore issued for the sale of the east half of the south-east quarter of section number sixteen, (16), in town five (5) south, of range number one (1) east, to William W. Loucks, and by said Loucks duly and lawfully assigned to James McDonald;

And whereas, Said William W. Loucks and James McDonald are both dead, and Charles Chandler, of Clinton, Lenawee county, State of Michigan, has been duly appointed by the probate court of Lenawee county, administrator of all and singular the estate of said James McDonald, deceased, and has given bond and entered upon that trust;

And whereas, The said primary school certificate, numbered 694, was in the possession of said Charles Chandler, in the office of the county clerk of said county of Lenawee, on the fourteenth day of March, 1852, with the assignment as aforesaid endorsed thereon, and was wholly consumed and destroyed with other papers in said office, by the burning of the court house of said county, in which said office was situated, on the day aforesaid;

And whereas, Said Charles Chandler, as administrator, as aforesaid, has been in uninterrupted possession of the land described in said certificate for more than twenty years; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office

be and he is hereby authorized and directed to issue a new certificate to Charles Chandler, as administrator of the estate of James McDonald, deceased, in place of certificate numbered 694, for the sale of the east half of the south-east quarter of section sixteen, (16,) in town five (5) south, of range one (1) east, State of Michigan, issued to W. W. Loucks; that said certificate require the payment of the balance of the principal and interest unpaid upon said original certificate, as the same appears upon the books of said Commissioner, in his office, in the same manner as said principal and interest were required to be paid by said original certificate, and that when paid, said land shall be conveyed to said Chandler, as administrator of the estate of said James McDonald, as aforesaid, or his assigns.

Approved March 17, 1869.

[No. 15.]

JOINT RESOLUTION asking the Congress of the United States to make an appropriation for the completion of the harbor at the mouth of the Ontonagon river.

Whereas, The south shore of Lake Superior, for a distance of one hundred and fifty miles, has no accessible refuge for boats and vessels; and the mouth of the Ontonagon river, midway of such distance, is capable, by a moderate outlay, of being made an excellent harbor, and is the only point within such distance capable of being so made;

And whereas, The necessities of commerce on such lake require that a safe and accessible harbor should be speedily constructed at such place;

And whereas, The Congress of the United States, realizing the importance of such improvement, have appropriated a portion of the amount estimated by the government engineer necessary for the construction of the same;

And whereas, Also, the amount already appropriated has been expended, and a further appropriation recommended by

the engineers in charge, which further appropriation is necessary to meet the demands of the public, and to make useful the expenditure already incurred; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Congress of the United States be and they hereby are requested to make such appropriation for the harbor at the mouth of the Ontonagon river, in the Upper Peninsula of Michigan, as will be necessary to complete the work already begun by the general government; and that our Senators in Congress be instructed, and our Representatives requested to use all honorable efforts in securing such appropriation.

Resolved, That His Excellency the Governor, be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved March 17, 1869.

[No. 16.]

JOINT RESOLUTION instructing the Senators and Representatives of the State of Michigan, in Congress, relative to the Indian Reservation.

Whereas, It was provided by the treaty of July 31st, 1855, with the Ottawa and Chippewa Indians, and by the treaty of August 2d, 1855, with the Chippewas of Saginaw, Swan Creek, and Black River, that after selections of lands in severalty, for said Indians, should have been made, which selections, by the terms of said treaties, were to have been made and completed by the 1st day of July, 1856, the Indians were for the term of five years thereafter, to have the exclusive and unrestricted right to purchase, at one dollar and twenty-five cents per acre;

And whereas, The Indian Department failed to make such selections of lands for said Indians, within the time specified in said treaties; in fact said selections were not completed until the year 1866, in consequence of which neglect on the part of

the Government, the Indians have been deprived of the right to purchase said lands as provided for by said treaties, in consequence of which, large bodies of lands in this State have been kept out of the market, to the great injury of certain locations in this State, as well as injustice to the Indians; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Senators and Representatives of the State of Michigan, in Congress assembled, be requested to use their influence for the adoption of such measures as will secure to the Indians the rights aforesaid, as contemplated by said treaties, and after which, a speedy restoration to the market, of the lands remaining undisposed of, which have hitherto been withdrawn from sale for the benefit of said Indians.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved March 22, 1869.

[No. 17.]

JOINT RESOLUTION urging upon our Senators and Representatives in Congress, the importance of securing to certain Indians, and other persons, their rights to Indian reservation lands in Muskegon county.

Whereas, Under a treaty made and concluded July 31, 1855, between the United States and the Ottawa and Chippewa Indians of Michigan, the public lands in township number twelve north, of range number fifteen west, in said State, were withdrawn from sale for the benefit of said Indians, and ten years granted to said Indians in which to select or purchase such description of said lands as they were entitled to by the terms of said treaty;

And whereas, Other citizens of this State believing that said lands, not thus selected during said term, were subject to entry

as other lands, purchased, entered under the homestead act, or otherwise selected and located upon a considerable portion of the lands remaining unselected;

And whereas, Many of said settlers, acting under this belief, have made valuable improvements on said lands, and greatly increased the value thereof, as well as the lands adjoining;

And whereas, The title to a considerable portion of said lands remains uncertain, thereby greatly retarding the growth and prosperity of that locality; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representatives be requested to urge upon Congress, and the proper authorities, the importance of securing to said Indians the rights granted to them by the terms of said treaty, of securing to said settlers their rights as specified in the preamble of this resolution, and also of bringing the remainder of said lands into market.

Resolved, That His Excellency the Governor be requested to send a copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved March 22, 1869.

[No. 18.]

JOINT RESOLUTION requesting our Representatives in Congress to call the attention of the Indian Department, to the necessity of having the Indians of this State vaccinated.

Whereas, The small-pox is raging in different parts of the State, and especially so in certain lumbering districts;

And whereas, There are several hundred Indians in the State that are not vaccinated; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That the Senators and Representatives of the State of Michigan, in Congress assembled, be requested to call the attention of the proper department to this important fact,

and adopt measures to guard against the spread of this dangerous and contagious disease.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to our Senators and Representatives in Congress.

Approved March 22, 1869.

[No. 19.]

JOINT RESOLUTION relative to the distribution of the laws, journals, documents, and joint documents of the session of the Legislature of the year A. D. eighteen hundred and sixty-nine.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be and he is hereby authorized and directed to forward one copy of the laws and resolutions passed at the present session of the Legislature, also one copy of the journals, documents, and joint documents of the Senate and House of Representatives, to each of the members and officers of the two Houses, directed to the clerks of the several counties in which said members and officers reside, as soon as the same shall be printed and bound, ready for delivery.

Approved March 22, 1869.

[No. 20.]

JOINT RESOLUTION for the relief of Alanson Holbrook.

Whereas, On the 17th day of October, A. D. 1837, the Superintendent of Public Instruction issued, pursuant to the provisions of law, certificate number four hundred and twenty-two, of primary school lands, to John W. Mabin, of Washtenaw county, Michigan;

And whereas, On the 27th day of June, A. D. 1844, said John W. Mabin assigned said certificate, for a valuable consideration,

to Alanson Holbrook, which assignment is neither witnessed nor acknowledged;

And whereas, Under existing laws, no patent can be issued on said certificate, to said Holbrook, in consequence of said informality of assignment; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Commissioner of the State Land Office be and he is hereby authorized to issue a new certificate to the said Alanson Holbrook, for the same parcel of land as that covered by the said certificate number four hundred and twenty-two, upon the surrender of said old certificate, and the payment of all sums of money that may be due the State upon said certificate, on account of either principal or interest.

Resolved, That this joint resolution take immediate effect.

Approved March 22, 1869.

[No. 21.]

JOINT RESOLUTION relating to navigation between the United States and Canada.

Whereas, The rapidly increasing commerce between the eastern States and the north-west is calling for more ample and cheaper transportation;

And whereas, Also, certain mutual privileges are now enjoyed by both Canada and the United States, touching navigation and transportation, which ought, on the part of the two countries, to be matured into rights; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That if, by treaty or otherwise, the free navigation of Canadian waters, and the use of the Canadian canals, by the shipping of the United States, upon the same terms as by Canadian and British shipping, and the free transit by land of American merchandise across Canadian territory, can be secured in exchange for like privileges to

Canadian shipping in our waters, and British and Canadian merchandise over our soil, our Senators and Representatives in Congress are urged to use their influence to bring about such an arrangement, and in such negotiation to secure, if possible, the construction of a ship canal, connecting the St. Lawrence with Lake Champlain; and that our Government, in case the State of New York will consent thereto, offer in exchange therefor, to enlarge the Champlain canal to the same proportions as that which shall connect the St. Lawrence and Lake Champlain, and allow the use thereof upon the same terms as are imposed upon American shipping.

Resolved, That the Governor of this State be and is hereby requested to transmit copies of this joint resolution to our members of Congress.

Approved, March 24, 1869.

[No. 22.]

JOINT RESOLUTION for the relief of Mason Samson.

Whereas, Mason Samson, of Tuscola county, under the laws of this State providing for the sale of State swamp lands to actual settlers, on part payment of the purchase money, the balance to be paid in two years, located the west half of the south-west quarter of section fourteen, township thirteen north, of range eight east, paying therefor the first payment required under existing laws, and received from the Commissioner of the State Land Office certificate No. 3058;

And whereas, The said Mason Samson is wholly unable to pay the balance of such purchase money for said lands, and that he has resided on said lands ever since he located the same, except two years and a half he was in the military service of the United States;

And whereas, Ten years have elapsed since said Mason Samson located said land; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor be and he is hereby required to execute and deliver to said Mason Samson a patent for the lands mentioned in the preamble to this resolution.

Resolved, That this joint resolution shall take immediate effect.

Approved March 24, 1869.

[No. 23.]

JOINT RESOLUTION to authorize the Board of State Auditors to audit and allow the account of Henry S. Clubb, for reporting for the Supreme Court of the State of Michigan, the evidence in the case of the State of Michigan *ex rel.* Frank H. White *vs.* Hermanus Doesburg.

Whereas, In the year one thousand eight hundred and sixty-seven, the case of the State of Michigan *ex rel.* Frank H. White *vs.* Hermanus Doesburg, was sent, by order of the Supreme Court of the State of Michigan, to the fourteenth judicial circuit, for trial in the county of Ottawa, requiring a full report of the evidence to be taken in said case, for the use of said Supreme Court;

And whereas, In compliance with said order from the Supreme Court, and at the request of the attorneys on behalf of the State, the circuit court while in session in said county of Ottawa, in December, eighteen hundred and sixty-seven, ordered Henry S. Clubb, a short-hand reporter, to take full note, in short-hand, of the testimony in said case, and to write out the same for the use of the Supreme Court, with the assurance that the State of Michigan would pay for the performance of said labor;

And whereas, The said Henry S. Clubb did, in the month of December, in the year of our Lord one thousand eight hundred and sixty-seven, take in full, short-hand notes of the testimony on said trial, in compliance with the order of said court;

And whereas, The said Henry S. Clubb did, in further com-

pliance with the order of said court, transcribe into plain, legible writing, said notes of the testimony aforesaid;

And whereas, The said transcript was examined by the attorneys in the case, by the Attorney General of the State, (who had charge of said case on the part of the State,) and by the Supreme Court, all of whom severally expressed their entire satisfaction at the manner in which said service was performed;

And whereas, As shown by the report of the Board of State Auditors for eighteen hundred and sixty-eight, page twenty-six, the account for reporting said testimony was rejected, for the want of authority of law to allow the same; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and are hereby authorized and empowered to audit and allow said account of Henry S. Clubb, for the services above set forth, at the rates usually paid for such service to competent short-hand reporters in the city of Detroit.

This resolution shall take immediate effect.

Approved March 26, 1869.

[No. 24.]

JOINT RESOLUTION to regulate the making up of reports of claims examined and adjusted by the Board of State Auditors.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors, in hereafter making up their report of claims examined and adjusted by them, shall so make up their report as to show separately:

First. The amount allowed to each of the State offices or officers, State boards, and judiciary, for stationery and other general allowances;

Second. The amount allowed for all printing for the Senate, the House of Representatives, for each of the State offices or officers, the State boards, and judiciary, and all other printing not included above;

Third. The amount allowed for binding;

Fourth. And generally, they shall so arrange their report as to show in the best possible manner, the expense of each department of the government, whose claims they allow;

Fifth. Such allowances, so separately reported, shall be separately footed and carried forward, and the aggregate of each class or department given.

Approved March 26, 1869.

[No. 25.]

JOINT RESOLUTION relative to an outstanding treasury warrant.

Whereas, It appears from the recently published reports of the State Treasurer and Auditor General, that the State Treasurer acknowledges to have on hand in the treasury, the sum of two dollars and fifty-two cents more than stands charged to him on the books of the Auditor General, which discrepancy arising [arises] from an outstanding warrant of that amount drawn many years since, and which has undoubtedly been either lost or destroyed; therefore, in order that the accounts of said financial officers may be made to agree,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Auditor General be and is hereby authorized and instructed to charge the State Treasurer, as cash, on the books of the Auditor General's office, the sum of two dollars and fifty-two cents for the said outstanding warrant.

Approved March 30, 1869.

[No. 26.]

JOINT RESOLUTION asking Congress for an appropriation of money, to improve Portage Lake and River, in Houghton county.

Whereas, Portage Lake is distant about four miles from Keweenaw Bay, (Lake Superior,) connected therewith by Portage River;

And whereas, A company has been duly organized, under the laws of the State of Michigan, having for its object the improvement of said river, so as to admit the passage of steamers and sail vessels into Portage Lake;

And whereas, Said company levy high rates of toll upon steamers and vessels passing through said river, which is but partially improved, making it very difficult to navigate, the channel being too narrow, crooked, and not of sufficient depth, the larger steamers and vessels being compelled to lighten before they can pass through;

And whereas, The "District of Portage Lake" is the principal point of business on the range, being central in position, and producing, at present, about two-thirds of the entire copper annually shipped from Lake Superior; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress and the members of the House of Representatives be requested to use their influence to obtain from Congress an appropriation, in money, with the view of getting control of, and improving said Portage Lake and river.

Resolved, That His Excellency the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved March 30, 1869.

[No. 27.]

JOINT RESOLUTION asking an appropriation to aid the geological survey of this State.

Whereas, The State of Michigan has by a recent act of her Legislature, appropriated the sum of eight thousand dollars for a geological survey of the State;

And whereas, The United States are largely interested in the rapid development of the well-known mineral resources of the

Upper Peninsula, having yet unsold, in that portion of the State, a large area of mineral land; thereupon, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators are hereby instructed, and our Representatives requested to ask of the Congress of the United States such annual appropriations, not less than eight thousand dollars, for a period of three years, to aid in such survey, as the interest and propriety of the United States, within the limits of the State of Michigan, would seem to justify and require.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to each of our Senators and Representatives in Congress.

Approved March 30, 1869.

[No. 28.]

JOINT RESOLUTION assenting to the transfer of title from the State of Pennsylvania to the United States, of the Soldiers' National Cemetery, at Gettysburgh, Pennsylvania.

Whereas, Under the provisions of act number one, session laws of eighteen hundred and sixty-four, and act number one hundred and eighteen, session laws of eighteen hundred and sixty-five, the sum of six thousand dollars was appropriated from the war fund, for the purposes of paying the proportion of this State of the estimated expense of the Soldiers' National Cemetery, at Gettysburgh, in the State of Pennsylvania, most of which has been expended;

And whereas, By formal resolution of the board, all States participating being represented, the State of Pennsylvania was asked to transfer the title and care of the cemetery to the United States;

And whereas, The State of Pennsylvania has transferred the title of said cemetery, which before existed in that State alone, to the United States, conditioned solely upon the ratification

of the Legislatures of all States from whom appropriations had been received; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That as all national cemeteries should be under national control, we do hereby assent to the transfer of title from the State of Pennsylvania to the United States, of the Soldiers' National Cemetery, at Gettysburgh.

Approved March 30, 1869.

[No. 29.]

JOINT RESOLUTION for the relief of Elmina Brainard.

Whereas, Elmina Brainard, of the city of Pontiac, in the county of Oakland, and State of Michigan, on the breaking out of the war of the rebellion, did immediately repair to the scene of conflict, and for four long and weary years followed with tireless tread, the bloody path of war, and without recompense or expectation of reward, administered with ceaseless and untiring devotion to the care of the sick and the relief of the wounded of our unfortunate and suffering soldiery;

And whereas, The said Elmina Brainard is, notwithstanding her limited pecuniary resources, continually devoting her attention and means to relieving the distress and providing for the comfort of those patriotic sons of the nation who so nobly defended the liberties of their country, and are now suffering from wasting disease or painful wounds, contracted or received during the memorable years of that terrible conflict; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representatives requested to use their influence to secure the enrollment of the name of Elmina Brainard on the books of the proper department, and the payment to her of a pension, equal to at least eight dollars per month, for and during her natural life.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved March 30, 1869.

[No. 30.]

JOINT RESOLUTION to forfeit the lands granted to the Marquette and Ontonagon Railroad Company, and to confer the said grant of lands upon some other company.

Whereas, By act of Congress, entitled "An act making a grant of alternate sections of the public lands to the State of Michigan, to aid in the construction of certain railroads in said State, and for other purposes," approved June third, eighteen hundred and fifty-six, a grant of land of six sections for each mile of road, was made by the general government to the State of Michigan, to aid in the construction of certain railroads, and among others, of a railroad from Marquette to Ontonagon, by which act it was provided if any such railroads should not be completed within ten years, no further sale of lands should be made, and the lands unsold should revert to the United States;

And whereas, All the lands, franchises, rights, powers, and privileges which have been or may be granted or conferred, in pursuance of said act of Congress, and of the several acts amendatory thereto, to aid in the construction of said railroad from Marquette to Ontonagon, have been granted to and vested in the Marquette and Ontonagon Railroad Company, a body corporate in the State of Michigan, by act of the Legislature of said State, approved March 17, 1863, by which act such railroad company was required to complete twenty continuous miles of its railroad within two years from the first day of July then next ensuing, and twenty miles a year thereafter until the remainder was completed;

And whereas, By act of Congress, entitled "An act extending the time for the completion of the Marquette and Ontonagon

Railroad," approved June eighteenth, eighteen hundred and sixty-four, the time limited for the completion of said railroad was extended five years beyond the time fixed for its completion by said act of Congress, of June third, eighteen hundred and fifty-six, provided the State of Michigan should have the same control over said grant of lands extended which was given said State under said original act of Congress, and said State might prescribe the time within which the several sections of said road should be completed;

And whereas, By act of Congress, entitled "An act to extend the time for the completion of certain railroads to which land grants have been made in the States of Michigan and Wisconsin," approved March third, eighteen hundred and sixty-five, four additional sections of land for each mile of road was made to the State of Michigan, to aid in the construction of certain railroads in the State of Michigan, and among others, for the use and benefit of the Marquette and Ontonagon Railroad, provided that none of the additional lands granted by such act for that portion of the Marquette and Ontonagon Railroad Company then completed, should be certified to the State of Michigan by the terms thereof, until the said railroad should be completed from a point twenty miles west of Marquette to Ontonagon. And it was also enacted by said law of Congress that said Marquette and Ontonagon Railroad Company should grade in a good and substantial manner, ready for the ties, twenty miles of its road within two years, and twenty miles additional thereof in each year thereafter: *Provided*, That if said company should fail to do so, the land granted to such company should revert to the United States;

And whereas, Said Marquette and Ontonagon Railroad Company having failed to comply with the requirements of the several acts of Congress, and having failed to grade twenty miles of its railroad within two years, and twenty miles of its road each year thereafter, and having graded or constructed but twenty miles of its road in all, and the lands granted to aid

in the construction of said railroad having become forfeited to the United States;

And whereas, The Congress of the United States by joint resolution, entitled "Joint resolution concerning certain lands granted to railroad companies in the States of Michigan and Wisconsin," approved May twentieth, eighteen hundred sixty-eight: *Resolved*, That the failure to grade twenty miles of the roads within two years of the passage of the act entitled "An act to extend the time for the completion of certain railroads to which land grants have been made in the States of Michigan and Wisconsin," approved March third, eighteen hundred and sixty-five, and twenty miles additional thereof in each year thereafter, as required by said act, should not cause any forfeiture or reversion to the United States, of any lands granted to the said States, or either of them, to aid in the construction of the railroads described: *Provided*, That said companies, or either of them, should fully complete their said railroads in the manner required by law, on or before December thirty-first, eighteen hundred seventy-two, at which time a failure should forfeit the lands to the United States: *And provided*, That the provisions of such sections should apply only to certain projected lines of railway, among which was the chartered and projected line of railway from Marquette, in the State of Michigan, to Ontonagon, in the same State: *And provided further*, That if the said Marquette and Ontonagon Railroad Company, in the State of Michigan, should not have completed, according to law, ten additional miles of their railroad on or before the first day of January, eighteen hundred sixty-nine, and should not in like manner complete ten miles of said railroad in each year thereafter, then it should be lawful for the Legislature of the State of Michigan to declare the grant of lands to said company to be forfeited, and to confer the said grant of lands upon some other company, in the same manner as if the said grant was then for the first time made to the said State of Michigan;

And whereas, The said Marquette and Ontonagon Railroad Company have failed to complete the ten additional miles of their said railroad, as provided in said joint resolution of Congress, or to complete any portion thereof, and the Legislature of the State of Michigan, in consequence of the failure of said Marquette and Ontonagon Railroad Company, is lawfully authorized to declare the grant of lands to said company to be forfeited, and to confer the said grant of lands upon some other company, in the same manner as if the said grant of lands was for the first time made to said State of Michigan by said joint resolution of Congress;

And whereas, It is the duty of the Legislature to demand the completion of said railroad, and to declare the grant of land to said Marquette and Ontonagon Railroad Company forfeited, if the purposes of such grant as mentioned in said joint resolution of Congress, are not carried out by said company; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That if the said Marquette and Ontonagon Railroad Company shall fail to fully construct and complete, according to law, fifteen additional and continuous miles of its railroad, commencing at the village of Ontonagon, on or before the first day of January, one thousand eight hundred and seventy, the grant of lands to said Marquette and Ontonagon Railroad Company shall thereupon be and become forfeited.

And be it further resolved, That if the said Marquette and Ontonagon Railroad Company shall fail to construct and complete ten additional miles of its railroad each year after the first day of January, eighteen hundred and seventy, and to fully complete such railroad within the time, and in the manner required by said joint resolution of Congress, the grant of land to such company shall also be and become forfeited.

And be it further resolved, That no additional lands shall in any event or for any cause, be granted or patented to or conferred upon said Marquette and Ontonagon Railroad Company, for any work hereafter done upon said road, or the construction of any part thereof, unless the said railroad company shall

fully construct and complete, according to law, the fifteen additional and continuous miles of such railroad, commencing at the village of Ontonagon, on or before the said first day of January, eighteen hundred and seventy.

And be it further resolved, That if the said Marquette and Ontonagon Railroad Company, shall not within thirty days hereafter, accept the terms and conditions of this joint resolution, and declare its intention to comply with the terms thereof in the construction of such road, which acceptance and declaration shall be embodied in a written instrument, signed by the president, and attested by the secretary and corporate seal of said company, and shall also file such written instrument of acceptance and declaration in the office of the Secretary of State within said thirty days, the land grants to said Marquette and Ontonagon Railroad Company shall thereupon be and become forfeited.

And be it further resolved, That in the event of the lands granted to the said Marquette and Ontonagon Railroad Company, to aid in the construction of such railroad, becoming forfeited, as provided by said joint resolution of Congress, and in pursuance of this joint resolution, the railroad board of control of this State is hereby authorized and empowered to confer such grants of land upon some other company, which shall first give security satisfactory to said board of control, to construct and complete said railroad according to law; and immediately thereafter said board of control shall file a certificate in writing, of their action in the premises, in the office of the Secretary of State, whereupon said grants of land shall be and become confirmed in and to said company, and said company thereupon, by virtue of this joint resolution, shall be subject to all the obligations, restrictions and requirements, and have and enjoy the same rights, privileges and immunities belonging to said Marquette and Ontonagon Railroad Company.

And be it further resolved, That said other company upon which the said lands may be conferred, shall in such case con-

struct and complete such railroad according to the requirements of this joint resolution.

This joint resolution shall take immediate effect.

Approved March 30, 1869.

[No. 31.]

JOINT RESOLUTION providing that the swamp land grants for roads in the Upper Peninsula may be used for the construction of road-beds for tram, train, or railroads.

Whereas, Grants of swamp land have been made by the State for building roads in the Upper Peninsula of Michigan;

And whereas, It would greatly accommodate the necessities of the people in that section, and equally meet the purposes of the grants, by allowing said lands, or such portions thereof as may be deemed advisable, to be used in the construction of tram, train; or railroads; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the swamp lands appropriated by any law for the construction of roads in the Upper Peninsula of Michigan, be and the same hereby are authorized to be used in the construction of road-beds for a tram, train, or railroad over the same route for which such grants were originally intended: *Provided*, That such tram, train, or railroad shall be as well ditched, and the lands through which the same runs be equally as well drained, as required in building the road for which such appropriations were originally made.

Approved March 30, 1869.

[No. 32.]

JOINT RESOLUTION to legalize the action of certain Commissioners in laying out a certain road in town two south, and nine east, in the State of Michigan, as provided by act No. 507, of the session laws of A. D. 1867.

Resolved by the Senate and House of Representatives of the State of Michigan, That the action of Alonzo Sacket, and Stephen

Butler, commissioners appointed by act No. 507, of the session laws of A. D. 1867, in laying out and establishing a road as provided by said act, is legal and valid, and shall have the same effect as if three commissioners had acted, as provided by said act, said road being in town two south, and range nine east.

Approved March 30, 1869.

[No. 33.]

JOINT RESOLUTION in relation to the claim of the State against E. H. Hazelton & Co.

Whereas, It appears by the report of the State Treasurer that there has been paid upon this claim over thirty thousand dollars, and by the memorial of George M. Dewey that the same was received from collaterals voluntarily turned out by him, which amount includes the accumulated interest on said collaterals;

And whereas, It appears that the security to the State by mortgage may prove insufficient;

And whereas, Said George M. Dewey proposes to pay the balance of the principal of said debt in lands, at a reasonable price, on being discharged from further liability;

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of State Auditors be and they are hereby authorized to examine the claim of the State against the said George M. Dewey, and the security held for the payment of the same, and if they shall deem it for the best interests of the State, may determine the amount of the principal due on said mortgage, after deducting the amount received from collaterals, and may discharge the said Dewey from further liability as to the debt and the lands of said Dewey embraced in said mortgage, on his paying the balance of said principal so found to be due; or may give further time for the payment of the same, upon receiving satisfactory security for the payment of the same at such time as may be agreed upon;

or they are hereby authorized to accept of good farming or other lands in payment of the same; and the said board shall have authority to appoint a commissioner to examine into the quality and value of any lands to be thus taken as security or in final payment, and report the same to the said board, whose services shall be paid for by the said Dewey: *And provided, That* nothing herein contained shall be construed to authorize the discharge of the other parties to said mortgage, or the lands mortgaged by them.

This resolution shall take effect immediately.

Approved March 30, 1869.

[No. 34.]

JOINT RESOLUTION to authorize the Governor to convey certain State lands to Henry A. Shaw, of Eaton county, as the grantee of Daniel J. Spencer.

Whereas, Daniel J. Spencer, under an act entitled "An act to provide for the settlement and drainage of the swamp lands by actual settlers," approved February fifteenth, one thousand eight hundred and forty-nine, entered upon the south-east one-fourth of the south-west one-fourth of section nine, in town one north, of range number four west, in the county of Eaton, and complied with all the conditions of said act;

And whereas, On the fourth day of September, one thousand eight hundred and sixty-six, on proof of such compliance, he made application for a patent therefor, which was granted, and a patent intended for said lands was issued to said Spencer, but by an error, the south-west of the south-west was entered therein instead of the south-east of the south-west;

And whereas, The said Daniel J. Spencer, on the twenty-fourth day of October, A. D. one thousand eight hundred and sixty-six, conveyed said lands by warrantee deed, to Andrew N. Sowle, following the description inserted in said patent;

And whereas, The said Andrew N. Sowle conveyed said lands, viz: The south-west one-fourth of the south-west one-fourth of section nine, and the south-east one-fourth of the south-west one-fourth of said section to Henry A. Shaw, August fifth, eighteen hundred and sixty-seven;

And whereas, The said Henry A. Shaw has the legal title of the south-west one-fourth of the south-west one-fourth of said section, and the equitable title to the south-east one-fourth of the south-west one-fourth of said section;

And whereas, His said grantees, Spencer and Sowle, have gone to parts unknown; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That upon a proper release being executed by Henry A. Shaw to the State of Michigan, of the south-west one-fourth of the south-west one-fourth of section nine, in town one north, of range four west, the Governor is hereby authorized to execute unto the said Henry A. Shaw, for and on behalf of the State of Michigan, a full release of all the right, title, and interest of the said State in and to the south-east one-fourth of the south-west one-fourth of section nine aforesaid.

Approved April 2, 1869.

[No. 35.]

JOINT RESOLUTION urging upon our Senators and Representatives in Congress the importance of securing a land or money grant, to aid in the construction of a railroad under the Detroit river.

Whereas, The great and rapidly increasing commerce of the State of Michigan, and the adjoining States south and west, which finds an outlet across the Detroit river, in the winter months, during the close of lake navigation, is so greatly retarded and jeopardized by the freezing over of said river; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators be instructed, and our Repre-

sentatives in Congress be requested to use their influence to procure an appropriation of land or money to aid in the construction of a railroad under the Detroit river.

Resolved, That the Governor be authorized and requested to forward a copy of these preambles and resolutions, properly signed by the President of the Senate and Speaker of the House of Representatives, to each of our Senators and Representatives in Congress, immediately after their passage.

Approved April 3, 1869.

[No. 36.]

JOINT RESOLUTION authorizing the Governor to release all claims of the State of Michigan to the General Government, that said State may have to the east half of the south-east quarter of section twenty-three, township fourteen north, of range twelve west, in said State.

Whereas, On the twentieth day of November, eighteen hundred and fifty-three, Samuel Mitchell located, at the United States Land Office, at Ionia, Michigan, the east half of the south-east quarter of section twenty-three, in township fourteen north, of range twelve west, with military bounty land warrant for eighteen hundred and twelve, number eight thousand one hundred and thirty-one, for eighty acres, war of eighteen hundred and twelve;

And whereas, Said Samuel Mitchell resides upon, has made improvements, and paid taxes to the State on said lands above described;

And whereas, Said land was certified to the State of Michigan under act of Congress, approved June third, eighteen hundred and fifty-six, granting lands to aid in constructing the Flint and Pere Marquette railroad, per list approved November first, eighteen hundred and sixty-four; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor is hereby authorized and required to release all claim that the State of Michigan now has

to the land described in the preamble of this resolution, to the United States.

This resolution shall take effect immediately.

Approved April 3, 1869.

[No. 37.]

JOINT RESOLUTION asking the General Government for the substitution of any vacant or unappropriated sections for odd sections, in the appropriation of lands to aid in the construction of wagon roads, to extend the time of construction, and to authorize the State to sell the same.

Whereas, Congress, by an act approved June twentieth, eighteen hundred and sixty-four, appropriated to this State, for the purpose of constructing two wagon roads, one from Grand Rapids to Mackinaw, and the other from Saginaw city to the same place, certain lands, in odd sections;

And whereas, The early completion of these roads is deemed to be of great importance to the localities through which they will run, as well as to the State at large, connecting with good and substantial lines of communication two extremities of the State, for much of the year greatly in need thereof;

And whereas, The appropriation, as it now stands, is deemed inadequate to the undertaking; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators be instructed, and our Representatives be requested to use their influence to secure the substitution of any unsold or unappropriated lands, and to extend the time of construction for five years; also, that the State of Michigan be authorized to sell the lands appropriated for these roads, in such manner as the Legislature shall direct, reserving and only applying the proceeds of said sales for the construction of said roads.

Approved April 3, 1869.

[No. 38.]

JOINT RESOLUTION for the appointment of a commission to examine the discipline and general management of the penal, reformatory, and charitable institutions of the State, and report plans and recommendations for their improvement.

Whereas, Penal, reformatory, and charitable institutions of whatever character, should be conducted upon principles clearly harmonizing with the advanced spirit and enlightenment of the age, and with a view to improve the discipline and general management of such institutions in this State; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor be and he is hereby authorized to appoint three commissioners, to be denominated the board of commissioners, for the examination and improvement of penal, reformatory, and charitable institutions, who shall hold their office from the date of their appointment to the first day of January, A. D. 1871, unless removed by the Governor or otherwise; it shall be the duty of said commissioners to thoroughly examine the discipline and general management of the penal, reformatory, and certain charitable institutions of this State, and for such purpose they shall visit the State Prison, Reform School, the Detroit House of Correction, and such county jails and poor-houses as they may deem advisable, making full minutes of all defects which they may discover, and the features which in their judgment should be encouraged; it likewise shall be their duty to visit similar institutions in other States, and after a careful examination of the modes of punishment, reformation, and amelioration pursued therein, shall particularly note wherein such modes are superior to those in use in this State; on or before the thirtieth day of November, A. D. eighteen hundred and seventy, the said board shall make to the Governor a full report of their proceedings, with their opinions as to the best method of conducting the institutions referred to generally, and especially as to the manner in which those in this State can be most speedily and substantially improved, together with such further recommen-

dations connected with this subject as to the board may seem proper; the commissioners herein provided for shall receive no compensation for their services; but the actual expenses incurred in the performance of their office, when duly approved by the Governor, shall be paid out of the general fund, by a warrant of the Auditor General upon the State Treasurer for that purpose; the Governor, in his discretion, may remove any member of said commission, and fill any vacancy that may occur therein.

Approved April 8, 1869.

[No. 39.]

JOINT RESOLUTION authorizing the Board of Control of St. Mary's Falls Ship Canal to transfer said Canal to the United States.

Whereas, The immediate enlargement of the St. Mary's Falls Canal, by which Lake Superior is rendered accessible to vessels, is a work of urgent necessity and national importance;

And whereas, The State of Michigan has no funds properly applicable to such purpose;

Resolved by the Senate and House of Representatives of the State of Michigan, That the Board of Control of the St. Mary's Ship Canal be and it is hereby authorized and directed to transfer the said canal, with all its appurtenances, and all the right and title of the State of Michigan in and to the same, to the United States: *Provided*, This State shall be first guaranteed and secured to the satisfaction of said Board of Control, against loss, by reason of its liability upon the bonds issued under and by authority of an act entitled "An act to provide for the repairing, preservation and operation of the ship canal around the falls of St. Mary, and to perform the trust respecting the same," approved February fourteenth, eighteen hundred and fifty-nine.

Approved April 8, 1869.

[No. 40.]

JOINT RESOLUTION making an appropriation of one thousand dollars, for engrossing a Roll of Honor on parchment, and for binding the same for State Library, and the original for Adjutant General's office.

Resolved by the Senate and House of Representatives of the State of Michigan, That the Adjutant General of the State be authorized and instructed to prepare or finish the preparation of a roll, (to be called the Roll of Honor,) upon which shall be inscribed the names of all such citizens of Michigan, not only as have fallen in battle, or died in consequence of wounds received during the late war of the rebellion, but also all who died in Southern prisons, hospitals, and all other places, even though they may have served in regiments or batteries organized in other States, said roll to be a complete list of all the casualties of war among Michigan men; and further,

Resolved, That a sum not exceeding one thousand dollars, be and the same hereby is appropriated out of the general fund, for the compilation of said roll and the engrossing of the same on parchment, and that the Adjutant General is directed to have the roll in parchment, bound and placed in the State Library, and the original copy bound and retained in the office of the Adjutant General.

Approved April 3, 1869.

[No. 41.]

JOINT RESOLUTION proposing an amendment to section nine, article ten, of the Constitution of this State, relative to allowing the board of supervisors of counties, to raise two thousand dollars a year, for the purpose of repairing and constructing public buildings, highways or bridges.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the Constitution of this State be and the same is hereby proposed, to stand as section nine, of article ten:

ARTICLE X.

SECTION 9. The board of supervisors of any county may borrow or raise by tax, two thousand dollars for constructing or repairing public buildings, highways or bridges; but no greater sum shall be borrowed or raised by tax for such purpose in any one year, unless authorized by a majority of the electors of such county voting thereon.

Said amendment shall be submitted to the people of this State at the next general election to be held on the Tuesday succeeding the first Monday in November, in the year eighteen hundred and seventy; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State, in the same manner that he is now required to do in case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities in this State shall prepare a suitable box for the reception of ballots cast for and against said amendment. Each person voting for said amendment, shall have written or printed on his ballot, the words "Amendment relative to raising two thousand dollars for public buildings, highways or bridges, yes;" and each person voting against such amendment, the words "Amendment relative to raising two thousand dollars for public buildings, highways or bridges, no." The ballots shall in all respects be canvassed, and returns be made as in elections for Governor and Lieutenant Governor.

Approved April 5, 1869.

[No. 42.]

JOINT RESOLUTION proposing amendments to sections three and four, article four, section one, article seven, and section one, article seventeen, of the Constitution of Michigan, in relation respectively to the apportionment of Representatives, to the qualification of electors, and to the militia.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendments to the constitution

of this State, to stand respectively as sections three and four, of article four, section one, of article seven, and section one, of article seventeen, be and the same are hereby proposed, that is to say:

ARTICLE IV.

SECTION 3. The House of Representatives shall consist of not less than sixty-four, nor more than one hundred members. Representatives shall be chosen for two years, and by single districts. Each representative district shall contain, as nearly as may be, an equal number of inhabitants, exclusive of persons of Indian descent, who are not civilized, or are members of any tribe, and shall consist of convenient and contiguous territory; but no township or city shall be divided in the formation of a representative district. When any township or city shall contain a population which entitles it to more than one representative, then such township or city shall elect, by general ticket, the number of representatives to which it is entitled. Each county hereafter organized, with such territory as may be attached thereto, shall be entitled to a separate representative, when it has attained a population equal to a moiety of the ratio of representation. In every county entitled to more than one representative, the board of supervisors shall assemble at such time and place as the Legislature shall prescribe, and divide the same into representative districts, equal to the number of representatives to which such county is entitled by law, and shall cause to be filed in the offices of the Secretary of State and clerk of such county, a description of such representative districts, specifying the number of each district and population thereof, according to the last preceding enumeration.

Sec. 4. The Legislature shall provide by law for an enumeration of the inhabitants in the year eighteen hundred and fifty-four, and every ten years thereafter; and at the first session after each enumeration so made, and also at the first session after each enumeration by the authority of the United States, the Legislature shall re-arrange the Senate districts, and appor-

tion anew the representatives among the counties and districts, according to the number of inhabitants, exclusive of persons of Indian descent, who are not civilized, or are members of any tribe. Each apportionment, and the division into representative districts by any board of supervisors, shall remain unaltered until the return of another enumeration.

ARTICLE VII.

SECTION 1. In all elections, every male citizen, every male inhabitant residing in the State on the twenty-fourth day of June, one thousand eight hundred and thirty-five; every male inhabitant residing in the State on the first day of January, one thousand eight hundred and fifty, who has declared his intention to become a citizen of the United States, pursuant to the laws thereof, six months preceding an election, or who has resided in this State two years and six months, and declared his intention as aforesaid, and every civilized male inhabitant of Indian descent, a native of the United States, and not a member of any tribe, shall be an elector and entitled to vote; but no citizen or inhabitant shall be an elector, or entitled to vote at any election, unless he shall be above the age of twenty-one years, and has resided in this State three months, and in the township or ward in which he offers to vote, ten days next preceding such election: *Provided*, That in time of war, insurrection or rebellion, no qualified elector in the actual military service of the United States, or of this State, in the army or navy thereof, shall be deprived of his vote by reason of his absence from the township, ward or State in which he resides; and the Legislature shall have the power, and shall provide the manner in which, and the time and place at which such absent electors may vote, and for the canvass and return of their votes to the township or ward election district in which they respectively reside, or otherwise.

ARTICLE XVII.

SECTION 1. The militia shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years,

except such as are exempted by the laws of the United States, or of this State; but all such citizens, of any religious denomination whatever, who, from scruples of conscience, may be averse to bearing arms, shall be excused therefrom, upon such conditions as shall be prescribed by law. The said amendments shall be and are hereby submitted to the people at the next general election, to be holden on the Tuesday succeeding the first Monday in November, eighteen hundred and seventy, as provided in section one, article twenty of the constitution; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties of this State, in the same manner that he is now by law required to do in the case of an election of Governor and Lieutenant Governor; and the inspectors of election in the several townships and cities of this State, shall prepare a suitable box for the reception of ballots cast for and against such amendments. Each person voting for said amendments shall have written or printed on his ballot, the words "Amendments as to Impartial Suffrage—Yes;" and each person voting against them, the words "Amendments as to Impartial Suffrage—No." The ballots in all respects shall be canvassed as the votes for Governor and Lieutenant Governor are required to be canvassed.

Approved April 5, 1869.

[No. 43.]

JOINT RESOLUTION confirming the sale of certain primary school lands, and authorizing a patent to be issued for the same to L. Jud Macomber.

Whereas, It appears that on the twenty-second day of August, eighteen hundred and fifty-four, certificate number five thousand five hundred and two was issued to George and Erastus Fisher, for primary school land, and that the whole amount of principal and interest, and of taxes, interest, and charges on said certificate, has been paid according to law;

And whereas, L. Jud Macomber is legal assignee of the certificate of said land, except that the judge of probate neglected to confirm the sale of said certificate by Electa R. Fisher, administratrix of the estate of George Fisher, to Alexander M. Gravel; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the sale of said certificate number five thousand five hundred and two, by Electa R. Fisher, administratrix of the estate of George Fisher, to Alexander M. Gravel, be and the same is hereby confirmed; and that the Governor of this State, or other proper officer, be and he is hereby authorized and empowered to issue a patent to L. Jud Macomber for the lands described in said certificate number five thousand five hundred and two, provided all sums due for said lands have been paid.

This joint resolution shall take immediate effect.

Approved April 5, 1869.

[No. 44.]

JOINT RESOLUTION authorizing the Governor to issue a patent of certain lands to John Dowling.

Whereas, John Dowling, of Galien, in the county of Berrien, is the owner of all rights conferred upon Samuel Schiegh, deceased, by certificate number two thousand three hundred and eighty-six, issued by Abiel Silver, Commissioner of the Land Office, bearing date the twenty-first day of February, A. D. eighteen hundred and forty-eight; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That the Governor be and he hereby is authorized and directed to execute and deliver to said John Dowling a patent for the land in said certificate described: *Provided*, All sums due for said lands have been paid.

This joint resolution shall take immediate effect.

Approved April 5, 1869.

[No. 45.]

JOINT RESOLUTION asking Senators and Representatives in Congress, from Michigan, to urge an appropriation for the speedy erection of a light-house at the mouth of the Pere Marquette river, in the county of Mason.

Whereas, The rapidly increasing commerce of the port of Pere Marquette, in the county of Mason, urgently requires the appropriation to be made for such light-house, at the place aforesaid, and the speedy erection of the same;

And whereas, A deed of a site for said light-house has been duly executed and delivered to the proper officer to receive the same; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be and are hereby requested to use their best endeavors to secure the appropriation necessary for the speedy erection of a light-house at Pere Marquette aforesaid.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolutions to our Senators and Representatives in Congress.

Approved April 5, 1869.

[No. 46.]

JOINT RESOLUTION asking Congress for an appropriation of money for the improvement of Mackinaw Harbor, on the Island of Mackinaw, in the straits of Michilimackinac.

Whereas, The dangerous and intricate navigation of the straits of Mackinaw, and the violent storms and frequent fogs in that region, causing many collisions and shipwrecks, and great loss of life and property, which would, to a great extent be avoided, if a break-water was constructed and a light-house and fog bell were erected upon the island now owned by the United States, and purchased by them for that purpose in the harbor of Mackinaw; therefore, be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators and Representatives in Congress be requested to use their influence to secure an appropriation in money for the purpose of constructing a break-water and light-house in the harbor of Mackinaw, Michigan.

Resolved, That the Governor be requested to transmit copies of the foregoing preamble and resolution to each of our Senators and Representatives in Congress.

Approved April 5, 1869.

[No. 47.]

JOINT RESOLUTION proposing an amendment to section one, article nine, of the Constitution of this State, relative to the salaries of State officers and judges of the circuit court.

Resolved by the Senate and House of Representatives of the State of Michigan, That the following amendment to the constitution of this State be and the same is hereby proposed, to stand as section one, of article nine:

The Governor shall receive an annual salary of twenty-five hundred dollars; the judges of the circuit court shall each receive an annual salary of two thousand dollars; the State Treasurer shall receive an annual salary of two thousand dollars; the Auditor General shall receive an annual salary of two thousand dollars; the Superintendent of Public Instruction shall receive an annual salary of two thousand dollars; the Secretary of State shall receive an annual salary of two thousand dollars; the Commissioner of the Land Office shall receive an annual salary of two thousand dollars; the Attorney General shall receive an annual salary of two thousand dollars. They shall receive no fees or perquisites whatever for the performance of any duties connected with their offices. It shall not be competent for the Legislature to increase the salaries herein provided.

Said amendment shall be submitted to the people of this State at the next general election, to be held on the Tuesday

succeeding the first Monday in November, in the year 1870; and the Secretary of State is hereby required to give notice of the same to the sheriffs of the several counties in this State, in the same manner that he is now by law required to do in case of an election of Governor and Lieutenant Governor; and the inspectors of elections in the several townships and cities in this State shall prepare a suitable box for the reception of ballots cast for and against said amendment. Each person voting for said amendment shall have written or printed on his ballot, the words "Amendment relative to the salaries of State officers and judges of the circuit court,—Yes;" and each person voting against it, the words "Amendment relative to the salaries of State officers and judges of the circuit court,—No." The ballots shall in all respects be canvassed, and returns be made as in elections of Governor and Lieutenant Governor.

Approved April 5, 1869.

CONCURRENT RESOLUTIONS.

[No. 1.]

CONCURRENT RESOLUTION.

Resolved, (the House concurring,) That His Excellency the Governor be requested to make a requisition on the Auditor General for the sum of four thousand dollars, or so much thereof as remains unexpended, in accordance with act number twenty-two, session laws of eighteen hundred and sixty-seven, and that the same be transmitted to the treasurer of the Antietam National Cemetery.

Approved February 17, 1869.

[No. 2.]

CONCURRENT RESOLUTION.

Resolved, (the House concurring,) That the Governor be authorized and requested to employ some competent mechanic to visit the Asylum for the Deaf, Dumb and Blind, and ascertain, and report to the Governor forthwith, the cost of finishing said Asylum and putting it in a condition for use.

Approved March 8, 1869.

[No. 3.]

CONCURRENT RESOLUTION.

Whereas, The rapid increase of the great North-west, in population and in all agricultural productions, is so extensive as to demand new avenues for the transportation of produce to the Atlantic cities;

And whereas, The navigation of the lakes, for a large portion of the season, by the Straits of Mackinac, is attended with serious loss of life and property; therefore,

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed, and our Representatives requested to procure an appropriation, or a corps of government engineers, to survey the route between the river Raisin and the St. Joseph river, in the State of Michigan, for the purpose of ascertaining the feasibility of a ship canal between Lakes Erie and Michigan.

Resolved, That the Governor be requested to transmit copies of this resolution to our Senators and Representatives in Congress.

Approved March 17, 1869.

[No. 4.]

CONCURRENT RESOLUTION.

Resolved, (the House concurring,) That our Senators in Congress be instructed, and our Representatives be requested to urge upon their respective bodies the adoption of an act granting a pension of eight dollars a month to the surviving soldiers of the war of eighteen hundred and twelve.

Approved March 17, 1869.

[No. 5.]

CONCURRENT RESOLUTION.

Whereas, Under the provisions of act number one hundred and fourteen, session laws of one thousand eight hundred and sixty-seven, Gen. B. M. Cutcheon, Col. Wm. Phelps, and George H. French, were appointed a Soldiers' Permanent Home Commission;

And whereas, By the provisions of said act, said commission have received no compensation for their services aside from actual expenses;

And whereas, As appears by their report, which is printed in full in the Journal of January eighth, they have performed their duty with remarkable fidelity, and greatly to the advantage of the poor, infirm, and needy soldiery of Michigan, and have also materially assisted the military authorities of the State in selecting proper asylums for those who, during the late war, displayed a devotion to their country, second to none within the annals of history, and now return with shattered limbs, armless sleeves, and emaciated bodies; therefore,

Resolved, That we, the members of the Legislature of Michigan, in behalf of all the people of this State, extend thanks to each and all members of said commission, for the very able manner in which they have performed their arduous labors.

Resolved, That three copies of the preamble and resolutions be engrossed, and one copy be transmitted to each of the members of this commission.

Approved April 3, 1869.

[No. 6.]

CONCURRENT RESOLUTION.

Resolved, (the House concurring,) That the Secretary of the Senate and the Clerk of the House of Representatives be and they are hereby authorized and requested to compile and prepare for publication, and make indexes, and superintend the publication of the journals and documents of the present Legislature; and when completed and certified to by the Secretary of State, they shall each be entitled to and receive for such services the sum of five hundred dollars.

Approved April 3, 1869.

[No. 7.]

CONCURRENT RESOLUTION.

Whereas, The Legislature of eighteen hundred and sixty-seven declared as its deliberate opinion that the high objects for which the University of Michigan was organized, will never be fully attained until women are admitted to all its rights and privileges;

And whereas, There is a general and growing feeling throughout the State in favor of furnishing to the young women of the State all the advantages for education furnished to young men;

And whereas, The President of the University declares as his belief that the best method for Michigan, in furtherance of this object, would be to make provision for the instruction of women at the University on the same conditions as men; therefore, be it

Resolved, (the Senate concurring,) That the Board of Regents be requested to take such action as may be necessary to carry into effect this recommendation of the President of the University, as soon as practicable without prejudice to the best interests of the same.

Approved April 5, 1869.

[No. 8.]

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, (the Senate concurring,) That a vote of thanks be and they are hereby tendered to General F. Palmer, Quarter Master General, and agent of the State of Michigan, for the services he has rendered the State, in procuring the allowance by the War Department at Washington, the sum of \$343,696 98, the same being a suspended and disallowed account on the part of the General Gov-

ernment, as charged by the State of Michigan for expenses in furnishing troops, and expenses incurred during the late rebellion.

Approved April 5, 1869.

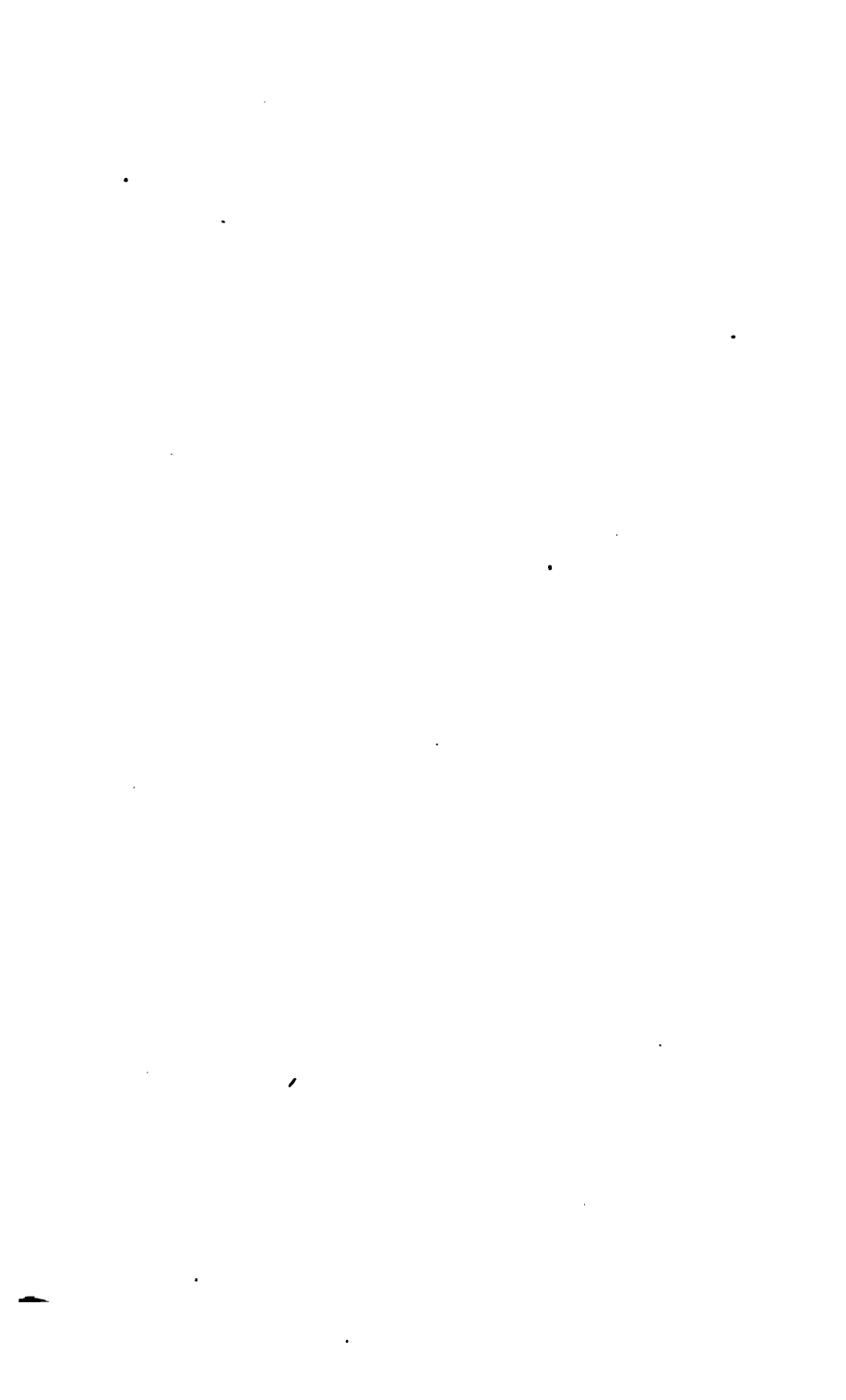
[No. 9.]

CONCURRENT RESOLUTION.

Resolved by the House of Representatives, (the Senate concurring,) That the acts passed by the Legislature of the State of Michigan, at the session of eighteen hundred and sixty nine, shall be so printed as to be bound in two volumes, the first volume to contain all the acts of a general nature, joint and concurrent resolutions, and the second volume to contain the charters, and amendments to charters of municipalities, and other acts of a local character.

Approved April 5, 1869.

NOTE.—The words and sentences enclosed in brackets in the foregoing laws and resolutions, were in the engrossed copies, as passed by the Legislature, but not in the enrolled copies.



CERTIFICATE.

STATE DEPARTMENT, MICHIGAN, }
Secretary's Office. } SE.

I, OLIVER L. SPAULDING, Secretary of State of the State of Michigan, do hereby certify that the date of the final adjournment of the regular session of the Legislature of this State for the present year, was April fifth, one thousand eight hundred and sixty-nine.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great seal of the State of Michigan,
[L. S.] at Lansing, this twentieth day of May, in the year of our Lord one thousand eight hundred and sixty-nine.

OLIVER L. SPAULDING,
Secretary of State.



A P P E N D I X :
CONTAINING
CERTIFIED STATEMENTS OF BOARDS OF SUPERVISORS
RELATIVE TO THE
ERECTION OF NEW TOWNSHIPS:
ALSO,
STATE TREASURER'S ANNUAL REPORT
FOR THE YEAR 1868.



APPENDIX.

ANTRIM COUNTY.

The following resolution was passed at the annual meeting of the board of supervisors of Antrim county, convened in the court-house, Elk Rapids, October 12th, 1868:

Resolved, That in accordance with the application of twelve freeholders of the townships of Helena and Elk Rapids, the board do hereby organize a new township from a part of the territory now under the jurisdiction of said townships of Helena and Elk Rapids, to consist of townships twenty-seven and twenty-eight north, of range seven west, and townships twenty-seven and twenty-eight north, of range eight west, except that portion of town twenty-eight north, range eight west, lying west of Torch river, and attached to the township of Milton, to be called the township of Rapid River. The first annual meeting thereof to be held at the house of Cyrenius Rice, on Monday, the 2d day of November, A. D. 1868, at nine o'clock in the forenoon, and that H. W. Hill, David P. Beebe, and L. A. Haines, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Antrim, } ss.

I, Richard W. Bagot, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said

board with the record thereof in my office, as clerk of said board, and that said copy is a true copy. And I further certify that the foregoing order of said board was passed by them at their meeting held at Elk Rapids, in said county, on the 12th day of October, A. D. 1868, as appears by their record.

Witness my hand and seal of circuit court of said
[L. S.] county, this 15th day of October, 1868.

RICHARD W. BAGOT,
County Clerk.

NEW TOWNSHIP.

In the matter of the application of A. R. Struthers and others, for the erection and organization of a new township.

South Arm
organised.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described and bounded as follows, to wit: Town thirty-two north, ranges five, six and seven west, be and the same is hereby erected into a township to be called and known by the name of the township of South Arm. The first annual township meeting thereof shall be held at the house of Daniel J. Parish, on Monday, the sixth day of April next, at nine o'clock in the forenoon: and at said meeting, Daniel J. Parish, A. R. Struthers and Richard Row, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Antrim, } ss.

I, Richard W. Bagot, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said

board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of South Arm, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify, that the foregoing order of said board was passed by them at their meeting, held at Elk Rapids, in said county, on the tenth day of March, 1868, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said county, this 14th day of March, 1868.

RICH'D W. BAGOT,
County Clerk.

BAY COUNTY.

BAY COUNTY CLERK'S OFFICE, }
Bay City, January 7, 1868. }

Board of supervisors of said Bay county met pursuant to call. Present: R. P. Essex, chairman; N. Whittimore, H. Decker, N. Lewis, Jacob Knobluigh, A. McDonnell, Israel Catlin, Henry A. Braddock, Levi Willard, supervisors.

In the matter of the application of D. A. Ballou, Samuel Woods, John Sutherland, Charles Radcliffe, Patrick Reynolds, Jeremiah Mack, Alexander Baird, A. G. Sinclair, Charles Powell, E. E. Gill, Paul Leme, Clark Bailey and O. A. Millen, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: All that portion of the township of Bangor, Bay county, Michigan, which lies north of a line commencing at the north-east corner of fractional section number

KawKawlin
organized.

ten (10,) in town fourteen (14) north, of range five (5) east, and running west on the section line to the north-west corner of section number seven (7,) in town fourteen (14) north, of range four (4) east, in said State of Michigan, be and the same is hereby erected into a township to be called and known by the name of the township of KawKawlin. The first annual township meeting thereof shall be held at the office of D. A. Ballou, in the village of KawKawlin, in said Bay county, on the first Monday in April, A. D. 1868, at ten o'clock in the forenoon of said day, and at said meeting D. A. Ballou, John Sutherland and Dennis Stanton, three electors of said township, shall be the persons whose duties it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same power as the inspectors of election at any township meeting, as the laws provide.

STATE OF MICHIGAN, } ss.
Bay County, }

I, H. H. Wheeler, clerk in and for said Bay county, do hereby certify that I have carefully compared the annexed copy of an order duly made by the board of supervisors of said Bay county, and entered upon the record of the proceedings of the said board of supervisors, with the original order now of record in my office, and that it is a correct transcript therefrom, and of the whole of such original order.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court for said
Bay county, this 11th day of April, A. D. 1868.

H. H. WHEELER, *Clerk.*

BERRIEN COUNTY.

At a session of the board of supervisors of the county of Berrien, commenced and held at the court-house in Berrien Springs, on the sixth day of January, A. D. 1868.

Mr. Albert Clark, from the committee on towns and villages,

having reported in favor of the petition of citizens of the townships of Lincoln and Royalton, asking that certain territory in the township of Lincoln be detached therefrom and added to the township of Royalton, and it appearing to the board of supervisors that application has been made, and that notice thereof in writing has been signed, posted up, and published as in the manner required by law, and a map having been furnished of the townships to be affected by the division, and having duly considered the said application, it is ordered by the board of supervisors, a majority of all the members having voted therefor, that all the territory described as follows, viz: The east half of sections one, twelve, thirteen, twenty-four, twenty-five and thirty-six, range nineteen west, town five south, in Berrien county, be and hereby is detached from the township of Lincoln, and the same be and hereby is added to the township of Royalton, and made and is a part of said township of Royalton.

STATE OF MICHIGAN, }
County of Berrien, } ss.

I, George H. Murdock, clerk of said county of Berrien, do certify that the above and foregoing is a full, true, and complete statement of the action of the board of supervisors for said county, on the petition of freeholders in the townships of Lincoln and Royalton, in said county, to detach a portion of the township of Lincoln, and attach the same to the township of Royalton.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of said county, this 13th day
of January, A. D. 1868.

GEORGE H. MURDOCK,
County Clerk.

DELTA COUNTY.

A meeting of the board of supervisors of the county of Delta, held at the office of the county clerk on Saturday, the 20th day of March, 1869:

Present, Andrew J. Perrin, chairman; Ira A. Clark, Delton; and Edward P. Lott, clerk.

It appearing to the board of supervisors of the county of Delta, that application has been made for a division of the township of Nahma, by twelve freeholders, residents of the township to be affected thereby, and that notice thereof has been signed, posted up, and published in manner and form as required by law; and this board having been furnished with a map of all the townships to be affected thereby, showing the proposed alteration, and having duly considered the matter of said application, the board does hereby order and enact, that all that portion of the said township of Portage described as follows, to-wit: Sections three, (3,) four, (4,) five, (5,) six, (6,) seven, (7,) eight, (8,) nine, (9,) ten, (10,) fifteen, (15,) sixteen, (16,) seventeen, (17,) eighteen, (18,) nineteen, (19,) twenty, (20,) twenty-one, (21,) twenty-two, (22,) twenty-seven, (27,) twenty-eight, (28,) twenty-nine, (29,) thirty, (30,) thirty-one, (31,) thirty-two, (32,) thirty-three, (33,) and thirty-four, (34,) of township forty-one (41) north, of range twenty (20) west; sections three, (3,) four, (4,) five, (5,) six, (6,) seven, (7,) eight, (8,) nine, (9,) ten, (10,) fifteen, (15,) sixteen, (16,) seventeen, (17,) eighteen, (18,) nineteen, (19,) twenty, (20,) twenty-one, (21,) twenty-two, (22,) twenty-seven, (27,) twenty-eight, (28,) twenty-nine, (29,) thirty, (30,) thirty-one, (31,) thirty-two, (32,) thirty-three, (33,) and thirty-four, (34,) of township forty-two (42) north, of range twenty (20) west; sections three, (3,) four, (4,) five, (5,) six, (6,) seven, (7,) eight, (8,) nine, (9,) ten, (10,) fifteen, (15,) sixteen, (16,) seventeen, (17,) eighteen, (18,) nineteen, (19,) twenty, (20,) twenty-one, (21,) twenty-two, (22,) twenty-seven, (27,) twenty-eight, (28,) twenty-nine, (29,) thirty, (30,) thirty-one, (31,) thirty-two, (32,) thirty-

three, (33,) and thirty-four, (34,) of township forty-three (43) north, of range twenty (20) west; township forty (40) north, of range twenty-one (21) west; township forty-one (41) north, of range twenty-one (21) west; township forty-two (42) north, of range twenty-one (21) west; and township forty-three (43) north, of range twenty-one (21) west, be and the same is hereby erected into a new township to be called the township of ^{Masonville} ~~Masonville~~ ^{organized.} and the first township meeting of said township will be held at the store of R. Mason & Son, on the first Monday of April next; and that at said meeting George Lowell, James Mason, and Samuel Hamilton, senior, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the power of inspectors of election at township meetings, as provided by law, and James Mason, aforesaid, is hereby appointed to post up notices according to law, of the time and place of holding said meeting in the newly organized township of Masonville.

The above order and enactment was adopted as follows:
Yeas, Perrin and Clark—2; nays—none.

ANDREW J. PERRIN, *Chairman.*

E. P. LOTT, *Clerk.*

STATE OF MICHIGAN, }
County of Delta, } ss.

I, E. P. Lott, clerk of said county, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board, and that said copy is a true copy; and I further certify that the foregoing order of said board was passed by them, at their meeting held at Escanaba, in said county, on the 20th day of March, A. D. 1869, as appears by their record.

[L. S.] In testimony whereof, I have hereunto set my hand and affixed the seal of the circuit court of said county, at Escanaba, this 22d day of March, A. D. 1869.

E. P. LOTT,
County Clerk.

EMMET COUNTY.

In the matter of the application of William Harris, Orwin Adams, O. D. Wood, and fifty-nine other citizens of the township of Marion, for a change in the boundaries in the said township of Marion.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the following territory belonging to the said township of Marion, to wit: Township thirty-three north, of range nine west, and the west tier of sections of township thirty-three north, of range eight west, and sections five, eight and seventeen, of township thirty-three north, of range eight west, be and the same is hereby erected into a township to be called and known by the name of the township of Norwood; and that the first annual township meeting thereof shall be held at the district school-house of school district number one, on the fifth day of April, A. D. 1869, and at said meeting William Harris, Orwin Adams, and Lucius Westgate be appointed inspectors of election.

Norwood
organized.

PHILO BEERS, *Chairman*.

JOHN S. DIXON, *Clerk pro tem*.

STATE OF MICHIGAN, }
County of Emmet, } ss.

I, John S. Dixon, clerk of the said county of Emmet, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the same is a true copy thereof; and I do further certify that the said order was made at an adjourned meeting thereof, held at the county room in Charlevoix, on the twentieth day of March, A. D. 1869.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court for the
said county, this 12th day of April, A. D. 1869.

JOHN S. DIXON,
County Clerk.

HILLSDALE COUNTY.

The board of supervisors of Hillsdale county, State of Michigan, Friday, April 3d, A. D. 1868.

The board convened at one o'clock P. M., and was called to order by the chairman.

All the members were present.

On motion of Mr. Huff, the following order was passed by a unanimous vote, viz:

In the matter of the application of W. J. Baxter, R. S. Varnum, I. H. Streator, William Hoag, and others, of the townships of Scipio and Fayette, in said county of Hillsdale, to set off from the township of Scipio, sections number thirty-four, thirty-five and thirty-six, in township number five south, of range number three west, and to attach the same to the township of Fayette.

It appearing to the satisfaction of the board of supervisors of Hillsdale county, State of Michigan, that application has been made to said board by more than twelve freeholders of each of the townships to be affected by the division, to set off sections number thirty-four, thirty-five and thirty-six, in township number five south, of range number three west, from the township of Scipio, and to annex the same to the township of Fayette, and that the notice thereof in writing has been signed, posted up, and published in the manner provided by law, and a map having been furnished of all the townships to be affected by the division, showing the proposed alterations; and having duly considered the matter, the said board do unanimously order and enact as follows, viz: Sections number thirty-four, thirty-five and thirty-six, in township number five south, of range number three west, being in the township of Scipio, in said county, be set off from said township of Scipio, and attached to the township of Fayette, in said county, and that said sections be embraced in and constitute a part of the said township of Fayette.

This ordinance shall take effect on the eleventh day of April instant.

WM. R. MONTGOMERY, *Chairman.*

W. W. BREWSTER, *Clerk.*

STATE OF MICHIGAN, }
Hillsdale County, } ss.

I, Wm. W. Brewster, clerk of said county, and of the board of supervisors of said county, do hereby certify that the foregoing is a true and correct statement of the action of said board on the matters therein contained, and that the same has been compared by me with the original act on file in my office, and that it is a true and correct transcript therefrom, and of the whole of said original act.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court for said county, this 4th day of April, A. D. 1868.

WM. W. BREWSTER,
County Clerk.

IOSCO COUNTY.

In the matter of the application of Pardon Worden and fourteen others, for the erection and organization of a new township, to be called Grant.

It appearing to the board of supervisors that application has been made, and that notice thereof in writing has been signed, posted up and published, as in the manner required by law, and a map having been furnished of all the townships affected by the division, and having duly considered the matter of said application, the board order and enact that the territory described in said application, that is to say, township number twenty-two north, of range five east, and township number twenty-two north, of range six east, be detached from the township of Tawas, in said county of Iosco, and be and the same is hereby erected into a new township, to be called

and known by the name of the township of Grant. The first ^{Grant} annual meeting therein shall be held at the house of Elias ^{organized} Marsh, in town twenty-two north, range six east, on Monday the first day of April, A. D. 1867, at nine o'clock in the forenoon of that day, and Pardon Worden, B. Franklin Chappell and William Webster, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides; which was adopted by the following vote:

Yeas—Messrs. Newman, Stall and Wheeler.

Nays—None.

STATE OF MICHIGAN, }
Ioseo County, } ss.

I, James O. Whittemore, clerk of the county aforesaid, and clerk of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy with the original record of the action of said board, recorded in my office, and I have compared the copy hereto attached, of the maps of the new township of Grant, and of all the townships to be affected by the division, with the original map furnished to said board, on the application for the erection and organization of said township, and the said copies are true transcripts from the originals, and of the whole of such originals. And I further certify that the foregoing order of said board, was passed by them at a meeting held at Tawas City, in said county, on the twenty-first day of January, A. D. 1867, as appears by their record.

In testimony whereof, I have hereunto set my hand,
[L. S.] and affixed the seal of the circuit court of said county, this 25th day of April, A. D. 1868.

JAMES O. WHITTEMORE,

County Clerk.

In the matter of the application of S. W. Chilson and twenty-four others, for the erection of a new township to be called Plainfield.

The petition of S. W. Chilson and twenty-four others, that township twenty-three north, range seven east, be detached from the township of Sable, and erected into a new township, to be called Plainfield, was presented, and the prayer of said petition granted, and the following resolution adopted.

It appearing to the board of supervisors that application has been made, and that notice thereof in writing has been signed, posted up and published, as in the manner required by law, and a map having been furnished of all the townships affected by the division, and having duly considered the matter of said application, the board order and enact that the territory described in said application, that is to say, township number twenty-three (23) north, of range seven (7) east, be detached from the township of Sable, in said county of Iosco, and be and the same is hereby erected into a new township, to be called and known by the name of the township of Plainfield. The first annual meeting therein shall be held at the house of B. M. Earl, in town twenty-three north, of range seven east, on the first Monday, being the sixth day of April, A. D. 1868, at nine o'clock in the forenoon of that day, and S. W. Chilson, B. M. Earl, and Henry F. Odell, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides; which was adopted by the following vote:

Yeas—Messrs. Burroughs, Wheeler, Worden, Whittemore.

Nays—None.

STATE OF MICHIGAN, }
Iosco County, } ss.

I, James O. Whittemore, clerk of the county aforesaid, and clerk of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy with the original record of the action of said board recorded in my

Plainfield
organised.

office, and I have compared the copy hereto attached, of the map of the new township of Plainfield, and of all the townships to be affected by the division, with the original map furnished to said board, on the application for the erection and organization of said township, and the said copies are true transcripts from the originals, and of the whole of such originals. And I further certify that the foregoing order of said board, was passed by them at a meeting held at Tawas City, in said county, on the fourteenth day of October, A. D. 1867, as appears by their record.

In testimony whereof, I have hereunto set my hand,

[L. S.] and affixed the seal of the circuit court of said county, this twenty-fifth day of April, A. D. 1868.

JAMES O. WHITEMORE,

County Clerk.

ISABELLA COUNTY.

In the matter of the application of Milo T. Dean, and Cyrus Dunbar and others.

It appearing to the board of supervisors that application has been made, and notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: Comprised of township number fifteen (15) north, of range six (6) west, and bounded on the north by the township of Coldwater, on the east by Congressional township fifteen (15) north, of range five (5) west, south by the township of Bloomfield, and west by the county of Mecosta, be and the same is hereby erected into a township to be called and known by the name of the township of Sherman. The first annual township meeting shall be held at the house of Cyrus Dunbar, in said township, on Thursday, October the 29th, A. D. 1868, at nine o'clock A. M., and at said meeting Cyrus Dunbar, Milo T. Sherman organized.

Dean and Aaron Osborn, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Isabella, } ss.

I, Christopher C. Foutch, clerk of said county of Isabella, and of the board of supervisors thereof, do certify that the foregoing is a true and compared copy of an order of the board of supervisors of said county, passed at their annual meeting, held at Mount Pleasant, on Tuesday, October 13, A. D. 1868.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said county, this 13th day of October, 1868.

CHRISTOPHER C. FOUTCH,

County Clerk.

In the matter of the application of S. S. Smith and thirty-five others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been duly signed, posted, and published as is required by law, and having duly considered the matter of said application, the board ordered and enacted, that the territory described as follows, to wit: town No. sixteen (16) north, of range six (6) west, be and the same is hereby enacted into a township, to be called and known by the name of the township of Coldwater. The first township meeting thereof shall be held at the store of H. B. Roberts, on the first Monday of April, A. D. 1868, at 10 o'clock A. M.; and at such meeting, H. A. Brubaker, H. B. Roberts, and W. W. Ryerson, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as inspectors of election at any township meeting, as the law provides.

Coldwater
organized.

STATE OF MICHIGAN, }
 County of Isabella, } ss.

I, Christopher C. Foutch, clerk of said county of Isabella, do hereby certify that I have compared the foregoing copy of an order of the board of supervisors, with the records thereof in my office as clerk of said board, and that the same is a true copy of the action and statement of said board, relating to the organization of said township of Coldwater; and I further certify that the said order was passed by the said board, at their meeting held at the village of Mt. Pleasant, in said county, on the third day of March, A. D. 1868.

In testimony whereof, I have hereunto set my hand
 [L. S.] and affixed the seal of the circuit court of said
 county of Isabella, this 9th day of March, A. D.
 1868.

C. C. FOUTCH, *Clerk.*

In the matter of the application of L. C. Griffith and thirty others, for the erection of a new township.

It appearing that application has been made, and that notice thereof has been duly signed, posted, and published as is required by law, and having duly considered the matter of the said application, the board order and enact that the territory described as follows, to-wit: Town number fourteen (14) north, of range number six (6) west, be and the same is hereby enacted into a township to be called and known by the name of the township of Broomfield. The first township meeting thereof shall be held at the lumber camp of E. Hall, on section sixteen, (16,) on the the first Monday of April, A. D. 1868, at 10 o'clock A. M., and at such meeting Elijah Cole, J. Hutchinson, and George L. Hitchcock, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as inspectors of elections at any township meeting, as the law provides.

STATE OF MICHIGAN, }
 County of Isabella, } ss.

I, Christopher C. Foutch, clerk of said county of Isabella, do hereby certify that I have compared the foregoing copy and order of the board of supervisors with the records in my office, as clerk of said board, and that the same is a true copy of the action and statement of said board relating to the organization of said township of Broomfield; and I further certify that the said order was passed by the said board on the third day of March, 1868.

In testimony whereof, I have hereunto set my hand
 [L. S.] and affixed the seal of the circuit court of said
 county of Isabella, this 9th day March, A. D.
 1868.

C. C. FOUTCH, *Clerk.*

In the matter of the application of Frederick Fishley, William Phinesy, and others, for the detachment of township No. 16 north, of range 3 west, and the attachment of the same to the township of Vernon.

It appearing to the board of supervisors that application has been made, and that notice thereof has been posted up, signed, and published as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, as follows, to wit: Congressional township No. sixteen (16) north, of range three west, and the same be hereby attached to the township of Vernon, now being a part of Isabella.

Vernon,
 territory at-
 tached to.

G. W. JEFFERIES, *Chairman.*

J. T. WELPER, *Clerk.*

STATE OF MICHIGAN, }
 County of Isabella, } ss.

I hereby certify that the foregoing is a true statement of the action of the board of supervisors of said county, and a true copy of an original act on file in my office, on the application for setting off Congressional township No. 16 north, of range

3 west, from the township of Isabella, and attaching the same to the township of Vernon.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said
county of Isabella, at Mount Pleasant, this 9th
day of January, A. D. 1869.

JAMES T. WELPER, *Clerk.*

In the matter of the application of Joseph Bucher, B. B. Bigelow and others, for the erection and organization of a new township, to be called the township of Three Lakes.

It appearing to the board of supervisors that application has been made, and that notice thereof has been posted up, signed, and published as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application as follows, to wit: Congressional townships number seventeen (17) and eighteen (18) north, of range number four (4) west, [except the south-east quarter of the south-east quarter of section thirty-six, in town seventeen north, range four west, at present a portion of the township of Vernon,] and Congressional township number nineteen (19) north, of range number four (4) west, and Congressional township number twenty (20) north, of range number four (4) west, [except sections one, (1,) two, (2,) three, (3,) four, (4,) five, (5,) and six, (6,) of said last named township, at present a portion of the township of Isabella,] be and the same is hereby erected into a township to be known as the township of Three Lakes. The first annual township meeting thereof shall be held at the house of Joseph Bucher, on the first Monday in April, A. D. 1869, at nine o'clock A. M., and at said meeting Joseph Bucher, James E. Green and William Crawford, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same

Three Lakes
organized.

powers as the inspectors of elections at any township meeting, as the law provides.

G. W. JEFFERIES, *Chairman.*

JAS. T. WELPER, *Clerk.*

STATE OF MICHIGAN, }
County of Isabella, } ss.

I do hereby certify that the foregoing is a true statement of the action of the board of supervisors of said county, and a true copy of an original act on file in my office, on the application for the organization of the township of Three Lakes.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said county of Isabella, at Mount Pleasant, this 9th day of January, A. D. 1869.

JAMES T. WELPER, *Clerk.*

LENAWEE COUNTY.

In the matter of the application of certain freeholders, residing in the townships of Ridgeway and Deerfield, in the county of Lenawee, praying that sections twenty-five, twenty-six, twenty-seven, and twenty-eight be detached from the township of Ridgeway, and attached to the township of Deerfield.

The board of supervisors of Lenawee county having received and entertained petitions from certain freeholders of the townships of Ridgeway and Deerfield, praying that sections twenty-five, twenty-six, twenty-seven, and twenty-eight be detached from the township of Ridgeway, and attached to the township of Deerfield; and it appearing from said petitions that more than twelve freeholders from each of said towns have signed said petitions, and the said petitions and all matters relating thereto, having been referred to a committee of said board, the committee now come before the board, and through their chairman, Supervisor Fife, report verbally in favor of granting the prayer of the petitioners.

Deerfield,
territory at-
tached to.

The report of the committee was adopted by a majority of the board elect, on a vote by yeas and nays, as follows: Yeas, 17; nays, 2.

STATE OF MICHIGAN, }
Lenawee County, } ss.

I, G. W. Westerman, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map of the townships of Ridgeway and Deerfield in my office, and furnished to said board on the application for detaching sections twenty-five, twenty-six, twenty-seven, and twenty-eight from Ridgeway, and attaching the same to Deerfield, and that they are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at Adrian, in said county, on the 30th day of December, A. D. 1868.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said
county, this 5th day of January, A. D. 1869.

G. W. WESTERMAN, *Clerk.*

MANISTEE COUNTY.

In the matter of the application of E. P. Bates and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: Township number twenty-three north, of range number sixteen west, be and the same is hereby erected into a township to be called and known by the name of the township of Onokama. The first annual township meeting ^{Onokama} organized.

thereof shall be held at the house of E. P. Bates, on the ninth day of April, at ten o'clock in the forenoon; and at said meeting N. P. Pierce, Josiah Hilliard, and E. P. Bates, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, } ss.
County of Manistee, }

I, Lewis S. Johnston, clerk of said county of Manistee, and of the board of supervisors thereof, do certify that the foregoing is a true and compared copy of an order of the board of supervisors of said county, passed at a meeting held the twenty-third day of March, A. D. 1867.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said county, this eighteenth day of September, A. D. 1867.

LEWIS S. JOHNSTON,
County Clerk.

In the matter of William S. Lewis and others, for the organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted and published, in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described as follows, to wit: Township twenty-four (24,) range fifteen (15) west, be and the same is hereby erected into a township, to be called and known by the name of Pleasanton. The first annual township meeting to be held the first Monday of April, 1868, at the house of William S. Lewis; and at said meeting, George B. Pierce, George F. Barton and William S. Lewis, three electors of said township, shall be the persons whose duty it shall be to pre-

side at such meeting, appoint a clerk, and keep open the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Manistee, } ss.

I, Lewis S. Johnston, clerk of said county of Manistee, do hereby certify that the foregoing is a true statement of the action of the board of supervisors of said county upon the organization of the township therein stated, as appears upon the journal of the proceedings of said board remaining in my office.

In testimony whereof, I have hereunto set my hand
and affixed the seal of the circuit court of Man-
[L. S.] istee, at Manistee, this 9th day of November,
A. D. 1867.

LEWIS S. JOHNSTON,
County Clerk.

MARQUETTE COUNTY.

At a meeting of the board of supervisors of the county of Marquette, on Monday, the thirtieth day of December, A. D. 1867, the application of John Burt and eleven other freeholders of the township of Negaunee, and Morgan L. Hewitt and eleven others of the township of Marquette, asking for the erection and organization of a new township in this county, is presented. And it appearing to the board that such application is made by twelve freeholders of each of the townships to be affected by the division, and that notices thereof have been signed, posted, and a copy thereof published, in all respects as required by law, and this board having been furnished with a map of all the townships to be affected by the division, show-

Ishpeming
organized.

ing the proposed alterations, and having duly considered the said application, this board does hereby order and enact that all that part of the county of Marquette lying west of range twenty-six, (26,) except sections one, (1,) twelve, (12,) thirteen, (13,) twenty-four, (24,) twenty-five, (25,) and thirty-six, (36,) in townships forty-seven, (47,) and forty-eight, (48,) of range twenty-seven, (27,) be and the same is hereby erected into a new township, to be called and known by the name of Ishpeming; and the first township meeting of said township of Ishpeming shall be held at the office of the Lake Superior iron company, near the mine of said company in said township, on the first Monday in April next, and Benjamin W. Wright, Seymour Johnson and Harvey Dimond, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting; and Seymour Johnson is hereby appointed to post notices according to law, of the time and place of holding said meeting.

STATE OF MICHIGAN, }
County of Marquette, } ss.

I, Stephen Rice, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that the above is a true statement of the action of the board of supervisors of said county, and a true copy of an original act filed in my office on the thirtieth day of December, A. D. 1867, for the erection and organization of the township of Ishpeming.

Witness my hand and seal of the circuit court of
[L. S.] said county, at Marquette, in said county, this
fifth day of January, A. D. 1868.

STEPHEN RICE,
County Clerk.

MASON COUNTY.

In the matter of the application of Henry Wilkinson, Richard Payne, I. M. Sweatland, David W. Billings, Martin Harris, M. D. Burns, S. E. Holcomb, A. M. Fisher, H. Yerrington, S. A. Crouch, N. L. Bird, H. Stone, Timothy Knox, Marshall D. Hadsell, Jesse B. Hathaway, Ambrose T. Coffan, Richard Coffan and R. R. Brown, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and the notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: The territory in town number nineteen (19) north, of range number seventeen (17) west, according to the principal meridian of Michigan, as established by the United States, be and the same is hereby erected into a township, to be called and known by the name of the township of Victory. The first annual township meeting thereof shall be held at the school-house in Bird settlement, on the first Monday in April, 1868, at ten o'clock in the forenoon, and at said meeting Ambrose T. Coffan, I. M. Sweatland and Austin A. Hadsell, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides. Victory organized.

STATE OF MICHIGAN, }
County of Mason, } ss.

I, John Wallace, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of map or survey of the new township of Victory, in my office, and furnished to said board on the application for the erection and organization of said township,

and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at Lincoln, in said county, on the 15th day of October, 1867, as appears by their record.

In testimony whereof, I have hereunto set my hand,
 [L. S.] affixed the seal of the circuit court of said county,
 this 16th day of October, 1867.

JOHN WALLACE,
County Clerk.

In the matter of the application of Benj. R. Hart, J. Saltgaber, Peirce Butler, H. B. Sutherland, A. W. Bonn, Robert Anderson, Jane Brager, James Bryan, Wm. Wiley, George Coosard, Chas. Hull, John McGrath, Chas. Packer, Jacob S. Libey, Isadore Spooner, Mason P. Winters, Benjamin F. Wheeler, Patrick Murphy, Thomas Gamble, William Hannan, Miles Parker, Nelson Breasseau, Peter Breasseau, Wm. Hough, Wm. Septien, R. B. Messer, Myron D. Hull, Melvin D. Hazard, C. Chapin, Romes Smart, W. Chudwick, Peter Breasseau, Jr., Edman C. Spreague, W. H. Landon, J. W. Wilson, Lyman D. Moses, H. Taylor, David Baird, Andrew Edwards, Wm. W. Byan, John B. Filkins, John Genter, Elmer G. Lacey, Lucius A. Cook, Wm. Hoyt, Abner Hoyt, F. J. Cargile, Abner Brady, Otis Bixby, Albert Bixby, and B. Forbes, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: all that part of Mason county bounded on the north by the township of Amber; on the east by Lake county; on the south by Oceana county, and on the west by the section line between sections thirty-one and thirty-two, of town seventeen north, of range seventeen west, and by said section line extended north until it intersects the south line of said township of Amber, be and the same is

hereby erected into a township to be called and known by the name of the township of Riverton. The first annual township meeting thereof shall be held at Riverton school-house, on the first Monday of April, A. D. 1869, at ten o'clock in the forenoon; and at said meeting, Mason P. Winters, Jno. W. Wilson, and John Saltzgaber, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Mason, } ss.

I, John Wallace, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map, or survey of the new township of Riverton, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting, held at Lincoln, in said county, on the 13th day of October, 1868, as appears by their record.

In testimony whereof, I have hereunto set my hand,
[L. S.] and affixed the seal of the circuit court of said county, 16th day of October, 1868.

JOHN WALLACE,
County Clerk.

In the matter of the application of William H. Coon, Daniel Prindle, Luther D. Holly, Amos M. Wilson, Joseph Turner, John Winters, William W. Leach, Andrew Neil, Hiram J. Chipman, Joseph Hubbard, John Burnett, Robert Baker, Charles W. Jones, Jessie J. Penfield, George W. Williams, Charles W. Barkly, Richard Beatie, John R. Genson, A. Pulsiver, and Wm. Conger, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to-wit: The north half of town number eighteen (18) north, of range number fifteen (15) west, and the north half of town number eighteen (18) north, of range number sixteen (16) west, and also all that part of town number eighteen (18) north, of range number seventeen (17) west, lying north of the Pere Marquette river, excepting sections number five, (5,) six, (6,) seven, (7,) and eight, (8,) of said town, which sections now belong to the township of Lincoln, be and the same is hereby erected into a township to be called and known by the name of the township of Amber. The first annual township meeting thereof shall be held at the school-house in Burnett settlement, on the first Monday of April, 1868, at ten o'clock in the forenoon; and at said meeting N. B. Wallace, Daniel Prindle and Jesse Nida, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

Amber
organized.

STATE OF MICHIGAN, }
County of Mason, } ss.

I, John Wallace, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said

board, and the copy thereunto attached of the map, or survey of the new township of Amber, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at Lincoln, in said county, on the fifteenth day of October, 1867, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said county, this sixteenth day of October, 1867.

JOHN WALLACE,

County Clerk.

In the matter of the application of Wm. V. Legraff, John Haley, C. F. Chapman, R. B. Legraff, Fred. Weidmer, Ethan A. Shelly, George W. Genson, Edward D. Letson, Peter I. Knapp, Ezra B. Bogue, John D. Webber, James Droun, John Gulmbo, Hiram Nash, P. McElroy, Judson James, Charles Genson, S. C. Genson, Joseph Mills, Edward Newell, H. G. Kuox, N. L. Bird, M. D. Hadsell, A. A. Hadsell and A. T. Coffan, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: Town nineteen north, of range sixteen west, and town nineteen north, of range fifteen west, be and the same is hereby erected into a township to be called and known by the name of the township of Sherman. The first annual township meeting thereof shall be held at the residence of Fred Weidmer, on the first Monday of April, 1868, at ten o'clock in the forenoon; and at said meeting, W. V. Legraff, Charles Genson and Ethan A. Shelly, three electors of said

Sherman
organised.

township, shall be the persons whose duty it shall be to pre-
side at such meeting, appoint a clerk, open and keep the polls,
and exercise the same powers as the inspectors of election at
any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Mason, } ss.

I, John Wallace, clerk of the county aforesaid, and of the
board of supervisors thereof, do hereby certify that I have
carefully compared the foregoing copy of an order of said
board with the record thereof in my office, as clerk of said
board, and the copy thereto attached of the map or survey of
the new township of Sherman, in my office, and furnished to
said board on the application for the erection and organization
of said township, and that said copies are true copies. And I
further certify that the foregoing order of said board was
passed by them at their meeting, held at Lincoln, in said
county, on the 15th day of October, 1867, as appears by their
record.

In testimony whereof, I have hereunto set my hand,
[L. S.] and affixed the seal of the circuit court of said
county, this 16th day of October, 1867.

JOHN WALLACE,
County Clerk.

In the matter of the application of Gurnee & Cuyler, Wm.
Freeman, A. W. Fuller, M. N. Chafee, Goyt Brown, Alonzo
Lampkin, E. B. Davis, Geo. H. Torrey, Chas. Mears, William
Mosler, Wm. Baxter, Samuel Swank, Geo. W. Annis, Wm.
Gibson and Henry Green, for the erection and organization
of a new township.

It appearing to the board of supervisors that application has
been made, and that notice thereof has been signed, posted
up, and published as in the manner required by law, and hav-
ing duly considered the matter of said application, the board
order and enact that the territory described in said applica-

tion, bounded as follows, to wit: town 20 north, range 17 west, and town 20 north, range 18 west, be and the same is hereby erected into a township, to be called and known by the name of the township of Grant. The first annual township meeting thereof, shall be held at Charles Mears' River House, on the first Monday of April, 1868, at 10 o'clock in the forenoon; and at said meeting, Wm. Freeman, Geo. W. Annis, and M. N. Chafee, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

STATE OF MICHIGAN, }
County of Mason, } ss.

I, John Wallace, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board, with the record thereof in my office, as clerk of said board, and the copy thereto attached, of the map or survey of the new township of Grant, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify that the foregoing order of said board was passed by them at their meeting held at Lincoln, in said county, on the 15th day of October, 1867, as appears by their record.

In testimony whereof, I have hereunto set my hand,
[L. S.] affixed the seal of the circuit court of said county, this 16th day of October, 1867.

JOHN WALLACE,
County Clerk.

In the matter of the application of Rufus F. Morris, James Kennedy, Alexander Ross, Benjamin F. Gooch, A. J. McKay, A. D. Wood, Ethan Clark, Alexander McFarlane, A. D. Farnes, Linus F. Stevens, Mark Ardie, Jacob Schlial, Joseph Crane, C. Moulton, J. H. Fitzgerald, A. B. Morton, Joseph White, Isaiah Manes, Holland Underwood, Joseph E. Stanninger, John Hoffmeyer, Benjamin F. Hardy, Edward Underwood, and Edward Hulbut, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, the board order and enact that the territory described in said application, bounded as follows, to wit: Congressional townships number eighteen (18) north, range eight (8) and nine (9) west, and number nineteen (19) north, range eight (8) west, be and the same is hereby erected into a township, to be called and known by the name of the township of Osceola.

Osceola
organised.

The first annual township meeting thereof shall be held at the house of Isaiah Manes, in said township, on the first Monday of April next, at nine o'clock, forenoon, and at said meeting Isaiah Manes, Holland Underwood, and David Shadley, three electors of said township, shall be the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting as the law provides, and that Isaiah Manes be the person appointed to post four notices of such meeting fourteen days before holding the same, as required by law; also, that the next annual township meeting in the township of Richmond, be held at the school-house in district number two, and that Rufus F. Morris be appointed to post notices as required by law.

STATE OF MICHIGAN, }
Mecosta County, } ss.

I, John Dalziel, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have

carefully compared the foregoing copy of an order of the board of supervisors, with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Osceola in my office, and furnished to said board on the application for the erection and organization of said township, and the said copies are true copies. And I further certify that the foregoing order of said board, was passed by them at their meeting held at the circuit court room, in the village of Big Rapids, in said county, on the thirteenth day of October, A. D. 1868, as appears by their record.

In testimony whereof I have hereunto set my hand,
[L. S.] and affixed the seal of the circuit court for said county, this twenty-second day of February, A. D. 1869.

JOHN DALZIEL,
County Clerk.

In the matter of the application of Delos A. Blodgett, Nathaniel Thurstein, Hopkins Ross, Joseph J. Temple, Louis Marsac, W. M. Smith, C. Marsac, H. A. Horton, M. B. Hinsdill, Ichabod Johnson, R. W. Johnson, A. J. Johnson, Nathaniel Johnson, E. F. French, freeholders residing in the organized township of Hersey, and Samuel C. Jones, Isaac Reames, Samuel Dany, James Fuller, John Shook, Frederick Hart, William Fuller, John Williams, Richard Porter, Edward Myhu, Rice H. Jones, Uriah Burk, Charles O. Edwards, James B. Dagget, freeholders residing in the organized township of Sherman, and M. C. Brooks, Ira Richardson, Daniel Marsh, James Watson, Kenneth Bain, Stephen Gov, Uriah O. Chase, S. C. Snider, Ira H. Richardson, William Watson, Carlos Marsh, David Yaumer, J. B. McFarlane and Isaac Hunter, freeholders residing in the proposed new township of Middle Branch, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order

Middle
Branch
organized

and enact that the territory described in said application, bounded as follows, to wit: Being Congressional townships number nineteen (19) and twenty (20) north, of range number seven (7) west, meridian of Michigan, and situate in the unorganized county of Osceola, which is attached to Mecosta county for judicial and municipal purposes, in said State, be and the same is hereby erected into a township to be called and known by the name of Middle Branch. The first annual township meeting thereof shall be held at the house of Carlos Marsh, in said township, on the first Monday of April next, at nine o'clock, forenoon, and at said meeting James Watson, Carlos Marsh and Daniel Marsh, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides; also, that Daniel Marsh post the notices of said meeting, at least fourteen days previous to the time of holding the same; and further, that the next annual township meetings of the townships of Sherman and Hersey be held at the usual place of holding their annual township meetings, and that Charles J. Graham post the notices of the time and place of holding the same in the township of Hersey, and that George Grove post the notices of the time and place of holding the same in the township of Sherman.

STATE OF MICHIGAN, }
Mecosta County, } ss.

I, John Dalziel, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Middle Branch, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said

board was passed by them at their adjourned meeting held in the circuit court room, in the village of Big Rapids, in said county, on the seventh day of January, A. D. 1869, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court for said county, this eighteenth day of February, A. D. 1869.

JOHN DALZIEL,
County Clerk.

In the matter of the application of L. F. Corey, A. G. Knapp, Abel B. Knapp, Willis Morse, Jeremiah Tyler, Elias Deiderich, Robert Watson, George Hale, Thomas H. Collison, A. E. Collison, James S. Canaan, Jehu Canaan, Stephen Foster, S. H. Smith, R. Jameison, E. A. Brigham, James Condor, Charles Hanchett, Chauncey Tyler, Adam Kalb, Henry Church, A. C. Foster, C. Blanchard, and M. McCormick, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: On the north by the south line of Osceola county, on the west by the township of Grant, on the south by the township of Big Rapids, and on the east by the township of Fork, the same being Congressional township number sixteen (16) north, of range number eight (8) west, be and the same is hereby erected into a township to be called and known by the name of the township of Chippewa. The first annual township meeting thereof shall be held at the house of John W. Sparks, in said township, on the first Monday of April next, at nine o'clock in the forenoon, and at said meeting Henry Hammond, John W. Sparks, and Augustus C. Foster, three electors of said township, shall be the persons whose

Chippewa organized.

duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides; and that J. W. Sparks post the notices of such meeting fourteen days before holding the same, as required by law; also, that the next annual township meeting in the township of Grant be held at the house of Abraham Vanalstine, in said township, and that James Canaan be the person designated to post the notices of such meeting.

STATE OF MICHIGAN, }
Mecosta County, } ss.

I, John Dalziel, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map, or survey of the new township of Chippewa in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them at their meeting held at the circuit court room in the village of Big Rapids, in said county, on the thirteenth day of October, A. D. 1868, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court, this 22d
day of February, A. D. 1869.

JOHN DALZIEL,
County Clerk.

In the matter of the application of John P. Short and thirteen others, freeholders residing in the township of Mecosta, and C. M. Darrah and thirteen others, freeholders residing in the proposed new township, for the erection and organization of the same.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted

up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: On the north by the township of Big Rapids, on the west by Congressional township number fourteen (14) north, of range number ten (10) west, on the south by the township of Deerfield, and on the east by the township of Wheatland, the same being Congressional township number fourteen (14) north, of range number nine (9) west, in the county of Mecosta, be and the same is hereby erected into a township, to be called and known by the name of the township of Austin. The first annual township meeting thereof, shall be held at the house of George Reed, in said township, on the first Monday of April next, at nine o'clock in the forenoon, and at said meeting Jacob Snider, John McCoubry and Solomon Rorick, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting; also, that Jacob Snider post the notices as required by law, of the time and place of holding said meeting, at least fourteen days before the time of holding the same; and further, that the next annual township meeting of the township of Mecosta, shall be held at the house of James H. Rogers, in said township, on the first Monday of April next, at nine o'clock in the forenoon, and that James H. Rogers post the notices of the time and place of holding said meeting, at least fourteen days previous to that time, all as in the manner required by law.

Austin
organized.

STATE OF MICHIGAN, }
County of Mecosta, } ss.

I, John Dalziel, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board, with the record thereof in my office, as clerk of said

board, and the copy thereto attached of the map or survey of the new township of Austin in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify that the foregoing order of said board was passed by them at their adjourned meeting, held in the circuit court room, in the village of Big Rapids, in said county, on the sixth day of January, A. D. 1869, as appears by their record.

In testimony whereof, I have hereunto set my hand,
 [L. S.] affixed the seal of the circuit court of said county,
 this sixteenth day of January, A. D. 1869.

JOHN DALZIEL,
County Clerk.

Circuit court room, (being Todd & Co.'s hall,) village of Big Rapids, Mecosta county, Michigan, October 15th, A. D. 1867.

Second day of the session of the board of supervisors of said county.

The following petitions were presented:

To the Board of Supervisors of Mecosta County:

The undersigned, freeholders of said county, and of the territory hereby asked to be erected into a township, respectfully request the board to erect and provide for the organization of a new township to be called Fork, and to consist of the territory bounded as follows, to wit: The part of land or territory known as township number sixteen north, range number seven west, according to the United States survey thereof, and your petitioners have attached hereto a map and survey of said territory, and your petitioners will ever pray. Dated August 26, 1867.

Joseph E. Cunningham, S. Ford, Charles L. Tuttle, In Hayes, L. D. Croshaw, James Medaw, L. W. Roe, John E. Gibbs, J. S. Canaan, Israel Canaan, A. Moore, H. M. Wilder, Oliver Bark, S. D. Roe, Marvin Rogers, Sylvester Mott, W. C.

Donney, S. C. Hemphill, S. R. Willet, S. H. Hemphill, S. S. Bolton, Chancey E. Rogers, Almont Mott, J. H. Groom.

Which was referred to the committee on the organization of townships.

To the Board of Supervisors of Mecosta County:

The undersigned, freeholders of said county, and of the territory hereby asked to be erected into a new township, respectfully request the board to erect and provide for the organization of a new township to be called Sheridan, and to consist of the territory bounded as follows, to wit: On the north by the township of Grant, on the west by Big Rapids, on the south by Wheatland, and on the east by the county of Isabella, the same being township number fifteen north, of range seven west, in said county of Mecosta, and State of Michigan. Your petitioners attach hereto a map and survey of said territory, and your petitioners will ever pray. Dated August 24, 1867.

Names of freeholders in the township of Big Rapids, but not in that part proposed to be erected into a new township: E. O. Rose, Fred. Misner, G. F. Stearns, Charles Shafer, Thomas D. Stimson, William P. Montonye, William VanLoo, A. L. Clark, George W. Slosson, C. C. Fuller, Daniel E. Stearns, Daniel Stearns, John Darling.

Names of freeholders, residents of the territory proposed to be erected into a new township: William K. Gibbs, Richard Amsbury, Edward P. Strong, Marsh Eaton, John H. Chapman, John Henney, A. A. Reed, William Rathbun, Ira Dimmond, Henry Fleck, William McComb, Jacob R. Isanhart, William Geniss.

Which was referred to the committee on the organization of townships.

October 16th, A. D. 1867.—Third day of the session of the board of supervisors of said county.

The following petition was presented, and referred to the committee on the organization of townships:

To the Board of Supervisors of Mecosta County :

The undersigned, freeholders of said county of Mecosta, and of the territory hereby asked to be erected into a township, respectfully ask the board to erect and provide for the organization of a new township to be called Hersey, and to consist of the territory bounded as follows: Commencing at the south-east corner of township number seventeen north, of range number ten west, in the State of Michigan, and running thence in an easterly direction along the line between the counties of Mecosta and Osceola, to the east line of said counties; thence in a northerly direction along the east line of Osceola county, to the south-east corner of township number twenty north, of range number seven west, in the State aforesaid; thence westerly, on the south line of the township last aforesaid, to the south-west corner thereof; thence southerly to the south-west corner of township number eighteen north, of range number seven west; thence westerly to the north-east corner of township number seventeen north, of range number ten west; thence southerly along the east line of the township last aforesaid to the place of beginning; the same being townships number seventeen, eighteen, and nineteen north, of range seven west; also, townships number seventeen north, of ranges eight and nine west, all in the State of Michigan. And your petitioners attach hereto a map and survey of the territory. And your petitioners will ever pray.

Dated this 12th day of August, 1867.

Names of freeholders residing in the township of Richmond, but not in the part proposed to be called Hersey: Rufus F. Morris, Benjamin F. Gooch, Alexander McFarlane, James Coakley, William Berger, F. S. Robbins, James G. Robbins, Jacob S. Jones, Milton Dixon, Anson Berger.

Names of freeholders residing in the territory proposed to be called Hersey: P. S. Holdridge, George Laughlin, George E. Hensil, Albert Hunt, Alexander Ross, Andrew J. Johnson,

Richard Johnson, Charles J. Graham, Nathan Pettibone, Delos A. Blodgett.

The committee on the organization of townships, made the following report, which was adopted:

To the Board of Supervisors of Mecosta County:

Your committee, to whom was referred the matter of the organization of the following named townships: "Fork," "Sheridan," and "Hersey," report that they find that proper applications have been made, and that notices thereof have been posted and published in the manner required by law; also, maps of the territory proposed to be erected into townships. We would recommend that the prayers of the several petitioners be granted, and that the board take such further action as may be necessary to comple the organization of said proposed townships.

JAMES DALZIEL,
GEORGE MINKEL,
MILTON C. KING,

Committee.

The board therefore order and enact that the territory described in the petition of Joseph E. Cunningham and others, be and the same is hereby erected into a township to be called and known as the township of Fork. The first township meeting thereof shall be held at the house of James M. Adair, in said township, on the first Monday of April next, at nine o'clock in the forenoon; and at said meeting, James M. Adair, Chauncey E. Rogers, and John Gibbs, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides, and that James M. Adair post the notices of said meeting; also, that the next annual township meeting of the township of Grant be held at the house of Henry R. Wilder, in said township, and that Abraham Vanalstine post the notices of said meeting.

Sheridan
organized.

The board also order and enact that the territory described in the petition of William K. Gibbs and others, be and the same is hereby erected into a township to be called and known as the township of Sheridan. The first annual township meeting thereof shall be held at the house of William Randall, in said township, on the first Monday of April next, at nine o'clock in the forenoon; and at said meeting, William K. Gibbs, Edmund P. Strong, and A. N. Reed, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as inspectors of election at any township meeting, as the law provides; and that William Randall post the notices of said township meeting. Also, that the next annual township meeting of the township of Big Rapids be held at the house of John Darling, in said township, and that Charlie Gay post notices of said meeting.

Hersey
organized.

The board further order and enact that the territory described in the petition of Price S. Holdrich and others, be and the same is hereby erected into a township to be called and known as the township of Hersey. The first annual township meeting thereof shall be held at the house of Delos A. Blodgett, in said township, on the first Monday of April next, at nine o'clock in the forenoon. And at said meeting, Price S. Holdrich, Luther Schofield, and Nathan Pettibone, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as inspectors of election at any township meeting, as the law provides; and that Delos A. Blodgett post notices of said meeting. Also, that the next annual township meeting of the township of Richmond be held at the school-house in school district No. two, in said township, and that Rufus F. Morris post notices of said meeting.

STATE OF MICHIGAN, }
County of Mecosta, } ss.

I, John Dalziel, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have

carefully compared the foregoing copies of an order of said board with the record thereof in my office, as clerk of said board, and the copies thereto attached of the map, or survey of the new townships of Fork, Sheridan, and Hersey, and furnished to said board on the applications for the erection and organization of said townships, and that said copies are true copies. And I further certify that the foregoing order of said board erecting the new townships of Fork, Sheridan, and Hersey, was passed by them at their annual meeting held at the village of Big Rapids, in said county, on the sixteenth day of October, A. D. 1867, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court for said county, at the village of Big Rapids, on this ninth day of November, A. D. 1867.

JOHN DALZIEL,
County Clerk.

January 1st, A. D. 1868, Circuit Court room, village of Big Rapids, county of Mecosta, State of Michigan.

The following petition was presented to the board of supervisors of said county at an adjourned meeting, time and place aforesaid, as follows:

The petition of Anthony Deffenbaugh and others was presented, asking the board to erect and provide for the organization of a new township to be called Sherman.

Abraham Vanalstine offered the following resolution, which was adopted:

Resolved by the Board, That the following described territory, as set forth in the petition of Anthony Deffenbaugh and others, to wit: Commencing at the north-east corner of township number twenty (20) north, range number seven (7) west, running thence westerly on the north line of the unorganized county of Osceola, to the north-east corner of township number twenty (20) north, of range number ten (10) west; thence southerly on the east line of the township last aforesaid, to the

Sherman
organized.

south-east corner thereof; thence easterly on the south line of township number twenty, (20,) to the east line of said Osceola county; thence northerly on said county line to the place of beginning; the same being townships number twenty (20) north, of ranges number seven, (7,) eight, (8,) and nine (9) west, all being in the unorganized county of Osceola, and State of Michigan, be and the same is hereby erected into a township to be called and known as the township of Sherman. The first township meeting thereof shall be held at the house of John Grove, in said township, on the first Monday of April next, at nine o'clock, forenoon, and at said meeting John Grove, Anthony Duddles and George Stump, three electors of said township, shall be the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides, and that John Grove post the notices of the time and place of holding said meeting; also, that the next township meeting of the township of Richmond be held at the place designated by the board at their last annual meeting; also, that the next annual township meeting of the township of Lincoln be held at usual place for holding the annual meeting in said township.

STATE OF MICHIGAN, }
Macosta County, } ss.

I, John Dalziel, clerk of said county, and of the board of supervisors thereof, do hereby certify the foregoing to be a true copy of the record of said board of supervisors at their adjourned meeting, January 1st, A. D. 1868, in the matter of the erection and organization of the new township of Sherman, compared by me with the original record, and that the same is a true transcript therefrom, and the whole of such original record.

In testimony whereof, I have hereunto set my hand
[L. S.] and seal of said court, at the village of Big
Rapids, in said county, this 11th day of February,
A. D. 1868.

JOHN DALZIEL, *Clerk.*

In the matter of the application of L. F. Corey and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: On the north by the south line of Osceola county, on the west by the township of Grant, on the south by the township of Big Rapids, and on the east by the township of Fork, the same being Congressional township number sixteen (16) north, of range eight (8) west, be and the same is hereby erected into a new township, to be called and known by the name of the township of Chippewa. The first annual township meeting thereof shall be held at the house of John W. Sparks, in said township, on the first Monday of April next, at nine o'clock in the forenoon, and at said meeting Henry F. Hammond, John W. Sparks and Augustus C. Foster, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides, and that J. W. Sparks post the notices of such meeting, fourteen days before holding the same, as required by law; also, that the next annual township meeting in the township of Grant, be held at the house of Abraham Vanalstine, in said township, and that James Canaan be the person appointed to post the notices of such meeting.

**STATE OF MICHIGAN, }
County of Mecosta, } ss.**

I, John Dalziel, clerk of the county aforesaid, and of the board of supervisors of said county, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Chippewa in my office, and furnished to

said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify that the foregoing order of said board was passed by them at their annual meeting held in the circuit court room, at the village of Big Rapids, in said county, on the thirteenth day of October, A. D. 1868, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court for said county, this 17th day of October, A. D. 1868.

JOHN DALZIEL,
County Clerk.

In the matter of the application of Rufus F. Morris and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows: Congressional township number eighteen (18) north, of ranges number eight (8) and nine (9) west, and township number nineteen north, of range eight west, be and the same is hereby erected into a township to be called and known by the name of the township of Osceola. The first annual township meeting thereof shall be held at the house of Isaiah Manes, in said township, on the first Monday of April next; and at said meeting, Isaiah Manes, Holland Underwood and David Shadley, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides, and that Isaiah Manes be the person appointed to post notices of such meeting, fourteen days before holding the same, as required by law; also, that the next annual township meeting in the township of

Osceola
organized.

Richmond be held at the school-house in district No. two, and that Rufus F. Morris be the person appointed to post notices, as required by law.

STATE OF MICHIGAN, }
County of Mecosta, } ss.

I, John Dalziel, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Osceola, in my office, and furnished to said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify, that the foregoing order of said board was passed by them at their annual meeting, held at the circuit court room in the village of Big Rapids, in said county, on the 13th day of October, A. D. 1868, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said
county, this 17th day of October, A. D. 1868.

JOHN DALZIEL,

County Clerk.

MONROE COUNTY.

In the matter of the application of John Strong and others, for the erection and organization of a new township, to be taken from the township of Ash.

It appearing to the board of supervisors of the county of Monroe, in the State of Michigan, that application has been made for a division of the township of Ash by fifty freeholders, residents of each of the townships to be affected thereby, and that notice thereof has been signed, posted up, and published as in manner and form required by law, and this board having been furnished with a map of all the townships to be affected

Berlin
organized.

by the division, showing the proposed alteration, and having duly considered the matter of said application, the board do hereby order and enact that all that part of the township of Ash lying east of a line drawn as follows, to wit: Commencing at the north line of the county of Monroe, between section one, town five south, range nine east, and section six, town five south, range ten east, and running south on said range line to the north-east corner of section thirty-six, town five south, range nine east; thence west on the north line of said section thirty-six, half a mile; thence south to the centre of said section thirty-six; thence west one and a half miles, to the west line of section thirty-five, town five south, range nine east; thence south a mile and a half to the south-west corner of section two, town six south, range nine east, be and the same hereby is erected into a new township, to be called and known by the name of Berlin; and the first township meeting of said township of Berlin shall be held at the house of Austin B. Chapman, on the first Monday in April, 1868; and at said meeting, John Strong, Austin B. Chapman and Moses Loranger, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides; and John Strong is hereby appointed to post up notices according to law, of the time and place of holding said meeting in the newly organized township of Berlin.

EMERSON CHOATE, *Chairman.*

STEPHEN G. CLARKE, *Clerk.*

STATE OF MICHIGAN, }
County of Monroe, } ss.

I, Stephen G. Clarke, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy thereto attached of the map or survey of the new township of Berlin, in my office, and furnished to said

board on the application for the erection and organization of said township, and that said copies are true copies; and I further certify that the foregoing order of said board was passed by them, at a meeting held at Monroe, in said county, on the nineteenth day of December, A. D. 1867, as appears by their record.

In testimony whereof, I have hereunto set my hand
{ L. S. } and affixed the seal of the circuit court of said
county, this 20th day of January, A. D. 1868.

STEPHEN G. CLARKE,

County Clerk.

NEWAYGO COUNTY.

In the matter of the application of Wm. Dickinson and others,
for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and notices thereof have been signed, posted up, and published as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, to wit: The west half of town fifteen north, range thirteen west, and the west half of town sixteen north, range thirteen west, and town fifteen north, range fourteen west, and town sixteen north, range fourteen west, and the said towns are erected into a township, to be called and known by the name of the township of Beaver.

Beaver
organized.

And said board further order and enact that the first township meeting thereof shall be held at the house of Frederick Wells, in said township, on the first Monday of April next, and that Cyrus O. Cornish, Bradford Freeman, and Addison Freeman, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and execute the same powers as the inspectors of election at every township meeting, as the law provides.

I, John H. Simmons, clerk of said county of Newaygo, and clerk of the board of supervisors of said county, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the records thereof in my office, and the copy thereof attached, of the map or survey of the new township of Beaver, in my office, furnished to said board on the application for the erection and organization of said township, and that said copies are true copies. And I further certify that the foregoing order of said board was passed by them at their meeting held at the village of Newaygo, in said county, on the fourth day of January, A. D. 1869, as appears by their record.

In testimony whereof, I have hereunto set my hand,
[L. S.] and affixed the seal of the circuit court of said county, this 28th day of January, A. D. 1869.

JOHN H. SIMMONS,
County Clerk.

OCEANA COUNTY.

In the matter of the application of William J. Kennedy and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: All the territory known as North Otto, or township fourteen north, of range sixteen west, bounded on the north by Elbridge, on the east by Newfield, on the south by Otto, and on the west by Shelby, be and the same is hereby erected into a township, to be called and known by the name of the township of Reed. The first annual township meeting thereof shall be held at Reed's school-house, on Mon-

day, the fifth day of April, 1869, at ten o'clock in the forenoon, and at said meeting T. F. Reed, Timothy Smith and Daniel N. Gustin, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as inspectors of election at any township meeting, as the law provides; also, at the same time and on the same day, the annual township meeting of the township of Otto shall be held at the house of Charles Newman.

STATE OF MICHIGAN, }
County of Oceana, } ss.

I, Nathan Crosby, clerk of said county, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and the copy of the map or survey of the new township of Reed, with the original furnished to said board on the application for the erection and organization of said township, and that the same are true copies thereof; and I further certify that the foregoing order of said board was passed by them at their meeting held at Hart, in said county, on the thirteenth day of October, A. D. 1868, as appears by their record.

In testimony whereof, I have hereunto set my name
[L. S.] and affixed the seal of the circuit court of said
county, this 24th day of November, A. D. 1868.

NATHAN CROSBY, *Clerk.*

ONTONAGON COUNTY.

In the matter of the application of Benjamin T. Rogers and others, for the detaching of certain territory from the township of Ontonagon, and annexing the same to the township of Rockland.

It appearing to the board of supervisors that application has been signed, posted up and published, as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory

Rockland,
territory at-
tached to.

mentioned in said application and described as follows, to wit: Sections number twenty-five, (25,) twenty-six, (26,) twenty-seven, (27,) twenty-eight, (28,) thirty-three, (33,) thirty-four, (34,) thirty-five, (35,) and thirty-six, (36,) in township number fifty-one (51) north, of range number thirty-nine (39) west, in Ontonagon county, and State of Michigan, be and the same is hereby detached from the township of Ontonagon, in this county, and the same be and hereby is annexed and added to the township of Rockland, in this county; which was adopted by the following vote, viz:

Ayes—Messrs. Harris, Spaulding, Martin, and Hooper.

Nays—Mr. Dickens.

(Signed)

LEWIS M. DICKINS, *Chairman.*

THOMAS J. LASIER, *Dep. Co. Clerk.*

STATE OF MICHIGAN, }
County of Ontonagon, } ss.

I, Michael A. Powers, clerk of said county of Ontonagon, and of the board of supervisors thereof, do hereby certify that I have compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and that said copy is a true copy; and I further certify that the foregoing order of said board was passed by them at their meeting held at Ontonagon village, in said county, on the 9th day of June, A. D. 1868, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said county, at Ontonagon, this 12th day of January, A. D. 1869.

MICHAEL A. POWERS, *County Clerk.*

SANILAC COUNTY.

In the matter of the application of Francis A. Lamb and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in the manner required by law, and having

duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: Town thirteen (13) north, of range twelve (12) east, and town thirteen (13) north, of range thirteen (13) east, in said county, be and the same is hereby erected into a township to be called and known by the name of the township of Argyle. The first annual township meeting thereof shall be held at McLachlan's school-house, in said township, on the first Monday of April, A. D. 1868, at nine o'clock in the forenoon; and at said meeting Dugald McIntyre, Albert A. Wheeler and Neil McPhail, three electors of said township, shall be the persons whose duty it shall be to preside at said meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

Argyle
organized.

ALANSON GOODRICH, *Chairman.*

SAMUEL BURGESS, *Clerk.*

STATE OF MICHIGAN, }
County of Sanilac, } ss.

I, Samuel Burgess, county clerk of said county of Sanilac, do hereby certify that the foregoing is a true copy of the action of the board of supervisors of said county, and of record in my office. And I further certify that the foregoing order of said board was passed by them at their meeting, held at the village of Lexington, in said county, on the 17th day of October, A. D. 1867, as appears of record.

In testimony whereof, I have hereunto set my hand

[L. S.] and affixed the seal of the circuit court of said county of Sanilac, this 12th day of December, A. D. 1867.

SAMUEL BURGESS, *County Clerk.*

In the matter of the application of Elisha Mitchell and others,
for the formation of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up,

Watertown
organized.

and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: Town eleven (11) north, of range fourteen (14) east, be and the same is hereby erected into a township to be called and known by the name of the township of Watertown. The first annual township meeting thereof shall be held at the house of Edward Cash, in said township, on the first Monday in April, A. D. 1868, at nine o'clock in the forenoon; and at said meeting Edward Cash, Lewis McDonald, and James McClure, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, open and keep the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides.

ALANSON GOODRICH, *Chairman.*

SAMUEL BURGESS, *Clerk.*

STATE OF MICHIGAN, }
County of Sanilac, } ss.

I, Samuel Burgess, county clerk of said county of Sanilac, do hereby certify that the foregoing is a true copy of the action of the board of supervisors of said county, and of record in my office; and I further certify that the foregoing order of said board was passed by them at their meeting held at the village of Lexington, in said county, on the seventeenth day of October, A. D. 1867, as appears of record.

In testimony whereof, I have hereunto set my hand

[L. S.] and affixed the seal of the circuit court of said county of Sanilac, at Lexington, this 12th day of December, A. D. 1867.

SAMUEL BURGESS, *County Clerk.*

In the matter of the application of Thomas Flynn and others, for the erection and organization of a new township.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted,

and published as in the manner required by law, and having duly considered the matter of said application, the board order and enact that the territory described in said application, bounded as follows, to wit: To commence at north-west corner of township number ten (10) north, of range thirteen (13) east, thence east to the north-east corner of said township; thence south to the south-east corner of said township; thence west to the south-west corner of said township; thence north between the county lines of Sanilac and Lapeer counties, and further north between the range lines of township number ten (10) north, of range number twelve (12) east, and township number ten (10) north, of range number thirteen (13) east, to the place of beginning, be and the same is hereby erected into a township to be called and known by the name of the township of Flynn. The first annual township meeting thereof shall be held at the house of Thomas Flynn, on Tuesday, the sixth day of April, 1869, at nine o'clock in the forenoon; and at said meeting Thomas Flynn, Daniel House and John Eaton, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open and keep the polls, and exercise the same powers as the inspectors of election at any township meeting, as the law provides.

Flynn
organized.

STATE OF MICHIGAN, }
County of Sanilac, } ss.

I, Samuel Burgess, clerk of the county aforesaid, and of the board of supervisors thereof, do hereby certify that I have carefully compared the foregoing copy of an order of said board with the record thereof in my office, as clerk of said board, and that said copy is a true copy; and I further certify that the foregoing order of said board was passed by them at their meeting held at Lexington, in said county, on the 16th day of October, A. D. 1868, as appears by their record.

In testimony whereof, I have hereunto set my hand
[L. S.] and affixed the seal of the circuit court of said
county, this 8d day of December, A. D. 1868.

SAMUEL BURGESS, *Clerk.*

In the matter of the application of Levi L. Bridges and others,
for the organization of a new township.

Novesta
organized.

It appearing to the board of supervisors that application has been made, and that notice thereof has been signed, posted up, and published as in manner required by law, and having duly considered the matter of said application, the board order and enact that that part of the territory described in said application, to wit: Town thirteen north, of range eleven east, be and the same is hereby erected into a new township, to be called and known as the township of Novesta. The first annual meeting thereof to be held at the house of Levi L. Bridges; and that Levi L. Bridges, Thomas McQuillen, and David M. Houghton, three electors of said township, shall be the persons whose duty it shall be to preside at such meeting, appoint a clerk, open the polls, and exercise the same powers as the inspectors of elections at any township meeting, as the law provides; and that David M. Houghton be and is hereby appointed to post up notices according to law, of the time and place of such meeting. Adopted by unanimous vote.

Dated, Centreville, January 7th, 1869.

STATE OF MICHIGAN, }
County of Tuscola, } ss.

I, Ebenezer W. Gerrish, deputy county clerk, do hereby certify that the within is a true copy of the proceedings held on the 7th day of January, A. D. 1869.

Witness my hand and seal on the 11th day January,

[L. S.] A. D. 1869.

E. W. GERRISH,
Dep. County Clerk.

STATE TREASURER'S ANNUAL REPORT—1868.

STATE OF MICHIGAN, STATE TREASURER'S OFFICE LANSING, Nov. 30th, 1868.

To the Legislature of the State of Michigan:

GENTLEMEN—In compliance with the requirements of law, I herewith submit the Annual Report of this Department for the fiscal year ending November 30th, 1868.

The bal. of cash in the treasury Nov. 30, 1867, was \$582,113 96

The receipts during the fiscal year, were..... 2,222,627 47

\$2,804,741 43

The total payments during the fiscal year, were.. 1,674,511 76

Leaving a balance in the treasury, of.....\$1,130,229 67

The payments maturing January 1st, 1869, are as follows:

War Loan Sinking Fund..... \$185,000 00

Semi-annual Interest..... 100,000 00

For current State expenses..... 40,000 00

For balance of appropriations..... 22,000 00

\$347,000 00

The policy of depositing in National Banks the surplus funds in the treasury, adopted and pursued last year, has been continued. During the present year there has been received for interest on the same, the sum of \$29,359 94.

Upon a critical examination of the "War Loan Sinking Fund," from its origin, it was ascertained that in pursuance of the provisions contained in Act No. 5, extra session of 1861,

\$185,000 of War Loan Bonds could be legally drawn for payment. In compliance with that Act, I have drawn the same for redemption on January 1st, 1869, at which time, if they are not presented for payment, interest thereon will cease.

The provisions of Act No. 122, Laws of 1867, imposing a specific tax upon the National Banks, have been partially complied with.

Thirteen banks have paid all the tax as the same became due. Five banks have paid three installments, being now delinquent for the tax due Oct. 1st, 1868. Eight banks are delinquent for the installments due in April and October, 1868. Thirteen have paid but one installment, and three have paid none. The amount received from this source has been—

For tax of 1867.....	\$29,596 76
“ “ 1868.....	27,762 97

Agreeable to the provisions of Act No. 140, laws of 1867, the Express Companies, doing business in this State, have paid their specific tax, amounting to \$1,937 11, as follows:

Merchants' Union Express Co.....	\$1,035 62
American Express Co.....	627 48
United States Express Co.....	274 01

Under the provisions of Act No. 123, laws of 1867, I forwarded blanks for reports and circulars, calling attention to the law, to the several Telegraph Companies doing business in this State. I received no response excepting from the North Western Telegraph Co., who reported as required by law, and paid the tax, amounting to \$126 13. On August 24th, I wrote the Attorney General, requesting him to take immediate steps to enforce the payment of this tax by the other companies. I am unadvised of what action, if any, he has taken in this direction.

In February last, at the request of Gov. Crapo, I accompanied him to Washington to assist in effecting with the General Government an adjustment of the claim then held by the State for expenditures made during and on account of the war. Before our return the settlement of this claim was so

far advanced, and such assurances received from the Third Auditor and Second Comptroller as to insure the prompt adjustment and payment of the claim as far as possible, in conformity with existing laws. Since that time there has been received into the Treasury through the hands of Governor Crapo, on account of said claim, \$188,900 85.


While at Washington a settlement was also effected of the claim that had long existed against the United States, for Swamp Lands, (known as Green Lands,) which were sold by the General Government after they had been ceded to this State by Act of Congress. From this settlement the State has received \$10,475 82 in cash, and 19,849 87-100 acres of land.

Among the collateral securities obtained from George M. Dewey and Edmund H. Hazelton, in December, 1859, were certain notes of the F. & P. M. R. R. Co., which were subsequently prosecuted, and judgment for \$19,304 07 obtained on the same in September, 1862.

In 1865 and 1866, \$11,400 59 was received on account of this claim. During the past year the final payment of \$7,903 48 was received and placed to the credit of Suspense Account; also interest on the same, amounting to \$11,073 74, which was placed to the credit of the General Fund.

To meet the demands of the Quartermaster General's Department, for funds to pay the balance of bounties due the soldiers, under the provisions of Act No. 85, session of 1865, \$25,000 of War Bounty Bonds were issued, which were purchased and retired by me for the Sinking Funds.

From an estimate made in May last of the probable receipts and disbursements of this Department, (anticipating that at least \$175,000 would be received from the United States on account of our war claim,) it appeared that there would be at the close of the fiscal year, about \$200,000 that could safely (and as I judged properly,) be used in retiring that amount of the bonded debt of the State. Entertaining the opinion that it is the true policy of the State to reduce its bonded indebtedness as rapidly as it can be done without inconvenience to the



people, I decided, after consultation with the Governor, to purchase and retire, if possible, \$200,000 of the Two Million Loan Bonds, due January 1st, 1873. In pursuance of this determination, I ordered, early in June, through the State depositories at Detroit, the purchase, at the market quotations in New York, (then 95,) of the amount and class of bonds proposed to be retired; but failing to obtain them, on the 25th of September I directed the bid advanced to 98½, with instructions to still farther advance the bid to par if at the end of a week it should be found they could not be reached at the last named figure. Notwithstanding this was done, and the offer of par made daily to the present time, I have been able to purchase and retire but \$3,000 of this class of bonds.

Having failed to obtain the bonds first falling due, I accepted an offer in November, and purchased and retired \$16,000 of Renewal Loan Bonds, due in July, 1878, at 94c., and accrued interest from July 1st; also, \$6,000 of Two Million Loan Bonds, due in January, 1878, at 95½c., and accrued interest from July 1st.

At the same time I was offered \$14,000 of Sault Ste. Marie Canal Bonds, due in July, 1879, at 94c., and accrued interest from July 1st. The amount to the credit of the Canal Fund being sufficient to retire this amount of bonds and to meet all possible demands upon it, I deemed it but just to the Canal to accept the offer, and purchased and retired the bonds, relieving the fund thereby of the interest on the same, as well as the amount of the discount.

There is now in the Two Million Loan Sinking Fund \$42,000. The educational funds for the past five years have yielded an annual average of receipts of \$155,000. Taking this basis as the estimate for the next four years, there will be received from this source \$620,000. During the same time, should the equalization of 1871 (as it is presumable) increase the valuation of the taxable property in the State to \$400,000,000, the 1-8 mill tax will yield \$165,000, making a total of \$827,000, while the demands to be provided for amount to \$497,000.

During the five years from 1873 to 1878, the receipts into the Sinking Fund from the Educational Funds will be \$775,000, and from the $\frac{1}{2}$ mill tax, \$250,000, which, added to the surplus of 1871, will produce \$1,355,000—the demands against it being only \$694,000.

The War Debt is also amply provided for. \$185,000 will be paid January 1st, 1869, and at least \$75,000 during the next three years, from the 1-16 mill tax and surplus of interest. From 1872 to 1877, inclusive, \$125,000 more, taking the estimate already given as the basis for this calculation.

These facts show conclusively that our present rate of taxation is sufficient to pay our State debt as fast as it matures.

Under these circumstances—our inability to purchase our bonds at par, the ample provision to retire them at maturity, and the fact that the surplus funds in the Treasury are earning four per cent. interest—it would appear to be the truest economy to lessen the State tax for general purposes for the next two years. In the meantime, our resources are steadily increasing, while it is hoped that taxation by the United States will be diminishing.

SINKING FUNDS.

In accordance with law, the following sums are applicable to, and have been set apart during the fiscal year, for the several Sinking Funds:

War Loan Sinking Fund, 1-16 mill tax.....	\$19,247 87
" " " from surplus of taxes	
collected for interest.....	11,274 50
Two Million Loan Sinking Fund, $\frac{1}{2}$ mill tax....	38,495 73
" " " " from discount	
on Bonds purchased	213 75
Primary School Fund, receipts from July 1st,	
1867, to July 1st, 1868.....	92,650 60
Five $\frac{3}{4}$ cent. Primary School Fund, receipts from	
July 1, 1867, to July 1, 1868.....	13,936 45

University Fund, receipts from July 1, 1867, to July 1, 1868.....	\$14,326 80
Normal School Fund, receipts from July 1, 1867, to July 1st, 1868.....	1,728 40
U. S. Treasurer, war expenses refunded.....	188,900 85
	<hr/>
	<u>\$380,774 95</u>

The amounts charged and chargeable to the Funds are as follows:

Overdrawn Nov. 30th, 1867.....	\$93,250 82
War Bounty Bonds purchased for Sinking Funds	25,000 00
War Bonds, drawn Oct. 1st, 1868.....	185,000 00
Two Million Loan Bonds purchased.....	9,000 00
Renewal " " " 	16,000 00
	<hr/>
	<u>\$328,250 82</u>

Showing a balance in the Sinking Funds, of... \$52,524 13

STATE DEBT.

On the 30th of November, 1866, the funded and fundable debt of the State was as follows:

Interest Bearing Bonds.

Sault Canal Bonds, 6's, due July 1, 1879.....	\$100,000 00
Renewal Loan Bonds, 6's, due July 1, 1878.....	216,000 00
Two Million Loan Bonds, 7's, due Jan. 1, 1868..	250,000 00
" " " 6's, " 1, 1873..	500,000 00
" " " 6's, " 1, 1878..	500,000 00
" " " 6's, " 1, 1883..	750,000 00
War Loan Bonds, 7's, due Jan. 1, 1886.....	1,111,500 00
War Bounty Bonds, 7's, due May 1, 1890.....	463,000 00
	<hr/>
Total interest bearing Bonds.....	\$3,890,500 00

Non-Interest Bearing Bonds.

Adjusted Bonds, due Jan. 1st, 1863,
not presented for payment..... \$4,000 00

Full-paid Five Million Loan Bonds, due Jan. 1st, 1863, not presented for payment.....	\$12,000 00	
War Loan Bonds, drawn Oct. 1st, 1863, for redemption on Jan. 1st, 1864, not presented for payment, (Act 5, Extra Session, 1861,).....	100 00	
War Loan Bond, drawn Oct. 1st, 1865, for redemption Jan. 1st, 1866, not presented for payment, (Act 5, Ex- tra Session, 1861,).....	1,000 00	
\$125,000 unrecognized Five Million Loan Bonds, adjustable at.....	72,321 25	
	<hr/>	89,421 25
Total bonded debt of the State, Nov. 30, 1866.	\$3,979,921 25	
The only bonds issued since Nov. 30, 1866, are:		
War Bounty Bonds for Quartermaster General's Department.....	25,000 00	
	<hr/>	\$4,004,921 25
	<hr/>	<hr/>

During the same time the following Bonds have been retired
and canceled:

Two Million Loan Bonds, due Jan. 1, 1868.....	\$247,000 00	
“ “ “ “ 1, 1873.....	3,000 00	
“ “ “ “ 1, 1878.....	6,000 00	
Renewal Loan Bonds, due July 1, 1878.....	16,000 00	
Canal Bonds, due July 1, 1879.....	14,000 00	
War Loan Bonds, drawn for Sinking Funds....	30,500 00	
War Bounty Bonds purchased for Sinking Funds,	25,000 00	
Adjusted Bonds, due Jan. 1, 1863.....	1,000 00	
Full-paid Five Million Loan Bonds.....	9,000 00	
\$68,000 unrecognized Five Million Loan Bonds, adjusted at.....	39,342 76	
	<hr/>	\$390,842 76
	<hr/>	<hr/>

Leaving the bonded debt of the State as follows:

Interest Bearing Bonds.

Sault Canal Bonds, 6's, due July 1, 1879.....	\$ 86,000 00
Renewal Loan Bonds, 6's, due July 1, 1878.....	200,000 00
Two Million Loan Bonds, 6's, due Jan. 1, 1873..	497,000 00
" " " 6's, " 1, 1878..	494,000 00
" " " 6's, " 1, 1883..	750,000 00
War Loan Bonds, 7's, due Jan. 1, 1886.....	1,081,500 00
War Bounty Loan Bonds, 7's, due May 1, 1890..	463,000 00
Total interest-bearing bonds.....	<u>\$3,571,500 00</u>

Non-Interest Bearing Bonds.

Adjusted Bonds, due Jan. 1st, 1863, not presented for payment.....	\$3,000 00
Full-paid Five Million Loan Bonds, due Jan. 1st, 1863, not presented for payment.....	3,000 00
War Loan Bonds, drawn Oct. 1st, 1863, for redemption Jan. 1, 1864, not presented for payment.....	100 00
War Loan Bond, drawn Oct. 1, 1867, for redemption Jan. 1, 1868, not presented for payment.....	500 00
Two Million Loan Bonds, due Jan. 1st, 1868, not presented for payment..	3,000 00
\$57,000 unrecognized Five Million Loan Bonds, adjustable at.....	32,978 49
	<u>42,578 49</u>
Total bonded debt.....	<u><u>\$3,614,078 49</u></u>

The Trust Fund debt of the State is composed of the following Funds and amounts:

Primary School Fund.....	\$1,493,243 80
Five ¢ cent. Primary School Fund.....	185,600 00

University Fund.....	\$305,962 56
Normal School Fund.....	44,461 95
Railroad Deposits.....	2,157 32
Lighthouse Deposit.....	15 00
	<hr/>
	\$2,031,440 63
	<hr/>

Very Respectfully,

E. O. GROSVENOR,

State Treasurer.

The statement in the foregoing report, showing the condition of the Sinking Funds, was made in compliance with law, and according to the ruling and usages of this Department for the past six years, and exhibits the same, as appeared from the books of this office on Nov. 30th, and corresponded with the books of the Auditor General.

Since that time the Auditor General, from an examination of the books of his Department, has ascertained that a surplus remains from the Specific Taxes, after paying the interest upon the Educational Funds; which, by the provisions of Sec. 1, Art. 14, of the Constitution, it is claimed, should be applied—so far as necessary for that purpose—to the payment of the interest on the State debt, and the remainder to the drawing of War Loan Bonds.

Should this be conceded, and the surplus of the Specific Taxes be transferred to the Sinking Funds, there will be, without anticipating anything from the surplus of 1869, about \$455,000 applicable to the purchase and drawing of State Bonds.

Treasurer of the State of Michigan, in account with the State of Michigan.

DEBIT.

1868.

Nov. 30.	To balance Nov. 30, 1867.....	\$ 582,113 96
"	receipts on acc't of General Fund...	1,347,521 51
"	" " Prim. Sch'l Fund	115,386 63
"	" " " " Int. "	54,000 70
"	" " " Swamp Land "	425,324 84
"	" " " " " Int. "	6,079 06
"	" " " University "	7,114 97
"	" " " " Int. "	10,869 45
"	" " " Normal Sch'l "	760 00
"	" " " " " Int. "	1,887 28
"	" " " Asylum "	3,548 03
"	" " " State buildi'g "	418 99
"	" " " Agricult'l Col. "	2,800 00
"	" " " Internal Imp. "	11,433 26
"	" " " War "	25,000 00
"	" " " Sault Ste. Marie	
	Canal Fund.....	14,449 67
	To rec'ts on acc't of War L'n Sink'g F'd	188,900 85
"	" " " Two Mil. L'n "	213 75
"	" " " Lighthouse Deposit	15 00
"	" " " Suspense Account	7,903 48
		<hr/>
		<u>\$2,804,741 43</u>

Treasurer of the State of Michigan, in account with the State of Michigan.

CREDIT.

1868.

Nov. 30.	By war'ts p'd on acc't of General Fund.	\$510,832 65
"	" " Prim. Sch'l "	3,808 90
"	" " " Int. "	153,296 70
"	" " Swamp L'd "	362,813 33
"	" " " Int. "	401 99
"	" " University " "	39,849 96
"	" " Normal Sch'l "	13,515 00
"	" " Asylum "	148,526 00
"	" " State Build'g "	2 25
"	" " Internal Imp. "	40,964 21
"	" " War "	127,726 25
"	" " " L'n Sink. "	43,500 00
"	" " Two Mill'n Loan	
	Sinking Fund.....	198,000 00
	By war'ts p'd on acc't of Sault Ste. Marie	
	Canal Fund.....	21,774 52
	By war'ts p'd on acc't of Military Fund.	7,000 00
"	" " " Sold's Home "	3,000 00
"	balance.....	1,130,229 67

\$2,804,741 43

Ledger Balances.

DEBIT.

1868.

Nov. 30.	To cash.....	\$1,130,229 67
	“ Internal Improvement Fund.....	2,431,713 54
	“ War Loan Sinking “	460,388 65
	“ Two Million Loan Sinking Fund...	92,766 87
	“ Suspense Account.....	33,001 31

\$4,148,100 04

Ledger Balances.

CREDIT.

1868.

Nov. 30.	By General Fund.....	\$1,605,671 55
"	Primary School Fund.....	1,493,243 80
"	" " Interest Fund.....	81,257 38
"	" " 5 ¢ cent. Fund....	185,600 00
"	Swamp Land Fund.....	116,969 08
"	" " Interest Fund.....	105,249 02
"	University Fund.....	305,962 56
"	" " Interest Fund.....	614 33
"	Normal School Fund.....	44,461 95
"	" " Interest Fund.....	14,459 29
"	Asylum Fund.....	82,477 69
"	State Building Fund.....	26,672 71
"	Agricultural College Fund.....	2,300 00
"	War Fund.....	21,201 54
"	Sault Ste. Marie Canal Fund.....	33,990 22
"	Military Fund.....	7,674 25
"	Soldiers' Home Fund.....	10,000 00
"	" " Relief "	7,000 00
"	Contingent Fund.....	392 35
"	Treasury Notes.....	730 00
"	Lighthouse Deposit.....	15 00
"	Mich. Central R. R. Deposits.....	1,947 02
"	Mich. South. " "	146 72
"	St. Jo. Valley " "	55 00
"	Oakland & Ottawa R. R. Deposits..	8 58
		<hr/>
		\$4,148,100 04
		<hr/>

General Fund.

DEBIT.

1868.

Nov. 30.	To warrants paid during fiscal year...	\$510,832 65
	“ am't trans. to Prim. Sch'l Int. Fund.	107,813 11
	“ “ “ Normal “ “ “ .	2,646 52
	“ “ “ “ “ F'd appr'n	10,000 00
	“ “ “ Asylum Fund.....	79,500 00
	“ “ “ War Fund.....	109,168 50
	“ “ “ “ Loan Sink'g Fund	30,522 37
	“ “ “ Two Mil. L'n “ “	38,495 73
	“ “ “ University Int. “	28,125 58
	“ “ “ Military Fund.....	24,674 25
	“ balance.....	1,605,671 55
		<hr/> <hr/>
		\$2,547,450 26

Primary School Fund.

DEBIT.

1868.

Nov. 30.	To warrants paid during fiscal year....\$	3,308 90
	“ balance,.....	1,493,243 80

\$1,496,552 70

General Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$1,189,098 14
" cash received during fiscal year.....	1,347,521 51
" am't transferred from Canal Fund..	10,830 61

\$2,517,450 26

Primary School Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$1,381,166 07
" cash received during fiscal year from	
sales of lands.....	113,225 95
By cash received during fiscal year from	
escheats.....	2,160 68
	<hr/>
	\$1,496,552 70
	<hr/>

Primary School Interest Fund.

DEBIT.

1868.

Nov. 30.	To warrants paid during fiscal year....	\$153,296 70
	“ amount transferred to Swamp Land	
	Interest Fund.....	56 29
	To balance.....	81,257 38
		<hr/>
		<u>\$234,610 87</u>

Five ½ Cent. Primary School Fund.

DEBIT.

1868.

Nov. 30.	To balance.....	\$185,600 00
		<hr/>
		<u>\$185,600 00</u>

Swamp Land Fund.

DEBIT.

1868.

Nov. 30.	To warrants paid during fiscal year....	\$362,813 33
	“ am't trans. to 5 ½ ct. Prim. Sch'l F'd	33,775 85
	“ balance.....	116,969 08
		<hr/>
		<u>\$513,558 26</u>

Primary School Interest Fund.

CREDIT.

1868.

Nov. 30.	By balance, Nov. 30th, 1867.....	\$72,796 56
	“ cash received during fiscal year....	54,000 70
	“ am't transferred from General Fund	107,813 11

\$234,610 37

Five ¢ Cent. Primary School Fund.

CREDIT.

1868.

Nov. 30.	By balance, Nov. 30th, 1867.....	\$151,824 15
	“ am't trans. from Swamp Land Fund	33,775 85

\$185,600 00

Swamp Land Fund.

CREDIT.

1868.

Nov. 30.	By balance, Nov. 30th, 1867.....	\$88,233 42
	“ cash received during fiscal year from sales of lands.....	414,815 02
	By cash received from U. S. Treasurer	10,475 82
	“ “ “ “ Swamp L'd Road Commissioner, fees.....	34 00

\$513,558 26

Swamp Land Interest Fund.

DEBIT

1868.

Nov. 30. To warrants paid during fiscal year.... \$ 401 99
" balance..... 105,249 02

\$105,651 01

University Fund.

DEBIT.

1868.

Nov. 30. To balance..... \$305,962 56

\$305,962 56

University Interest Fund.

DEBIT.

1868.

Nov. 30. To warrants paid during fiscal year... \$39,849 96
" balance..... 614 33

\$40,464 29

Normal School Fund.

DEBIT.

1868.

Nov. 30. To balance..... \$44,461 95

\$44,461 95

Swamp Land Interest Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$99,515 66
" am't trans. from Prim. Sch'l Int. F'd	56 29
" cash received during fiscal year....	6,079 06
	<hr/>
	<u>\$105,651 01</u>

University Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$298,847 59
" cash received during fiscal year....	7,114 97
	<hr/>
	<u>\$305,962 56</u>

University Interest Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$ 1,969 26
" cash received during fiscal year....	10,369 45
" am't transferred from General Fund	28,125 58
	<hr/>
	<u>\$40,464 29</u>

Normal School Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$43,701 95
" cash received during fiscal year....	760 00
	<hr/>
	<u>\$44,461 95</u>

APPENDIX

Normal School Interest Fund.

DEBIT.

1868.		
Nov. 30.	To warrants paid during fiscal year....	\$13,515 00
	" balance.....	14,459 29
		<u>\$27,974 29</u>

Asylum Fund.

DEBIT.

1868.		
Nov. 30.	To warrants paid during fiscal year....	\$148,526 00
	" balance.....	82,477 69
		<u>\$231,003 69</u>

State Building Fund.

DEBIT.

1868.		
Nov. 30.	To warrants paid during fiscal year.....	\$ 2 25
	" balance	26,672 71
		<u>\$26,674 96</u>

Agricultural College Fund.

DEBIT.

1868.		
Nov. 30.	To balance.....	\$2,300 00
		<u>\$2,300 00</u>

Normal School Interest Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$13,440 49
“ cash received during fiscal year....	1,887 28
“ am't transferred from General Fund	2,646 52
“ “ appropriat'n “ “ “	10,000 00
	<hr/>
	\$27 974 29
	<hr/>

Asylum Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$147,955 66
“ cash received during fiscal year....	3,548 03
“ am't appropriation from Gen'l Fund	79,500 00
	<hr/>
	\$231,003 69
	<hr/>

State Building Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$26,255 97
“ cash received during fiscal year....	418 99
	<hr/>
	\$26,674 96
	<hr/>

Agricultural College Fund.

CREDIT.

1868.

Nov. 30. By cash received during fiscal year....	\$2,300 00
	<hr/>
	\$2 300 00
	<hr/>

Internal Improvement Fund.

DEBIT.

1868.

Nov. 30.	To balance, Nov. 30th, 1867.....	\$2,402,182 59
	“ warrants paid during fiscal year....	40,964 21

\$2,443,146 80

War Fund.

DEBIT.

1868.

Nov. 30.	To warrants paid during fiscal year....	\$127,726 25
	“ balance.....	21,201 54

\$148,927 79

War Loan Sinking Fund.

DEBIT.

1868.

Nov. 30.	To balance, Nov. 30th, 1867.....	\$636,311 87
	“ warrants paid during fiscal year....	43,500 00

\$679,811 87

Internal Improvement Fund.

CREDIT.

1868.

Nov. 30. By cash received during fiscal year from	
sale of lands.....	\$ 880 45
By cash received from U. S. Treasurer..	10,552 81
" balance	2,431,713 54
	<hr/>
	<u>\$2,443,146 80</u>

War Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$14,759 29
" cash received during fiscal year.....	25,000 00
" am't transferred from General Fund..	109,168 50
	<hr/>
	<u>\$148,927 79</u>

War Loan Sinking Fund.

CREDIT.

1868.

Nov. 30. By am't transferred from General Fund	\$ 30,522 37
" cash received during fiscal year.....	188,900 85
" balance.....	460,388 65
	<hr/>
	<u>\$679,811 87</u>

Two Million Loan Sinking Fund.

DEBIT.

1868.

Nov. 30. To warrants paid during fiscal year.... \$198,000 00

\$198,000 00

Ste. Marie Ship Canal Fund.

DEBIT.

1868.

Nov. 30. To warrants paid during fiscal year.... \$21,774 52

“ am't transferred to General Fund... 10,830 61

“ balance..... 33,990 22

\$66,595 35

Military Fund.

DEBIT.

1868.

Nov. 30. To warrants paid during fiscal year.... \$7,000 00

“ am't appropri'n to Soldiers' Home F'd 10,000 00

“ balance..... 7,674 25

\$24,674 25

Two Million Loan Sinking Fund.

CREDIT.

1868.

Nov. 30.	By balance, Nov. 30th, 1867.....	\$66,523 65
	“ receipts during fiscal year.....	213 75
	“ am't transferred from General Fund	38,495 73
	“ balance.....	92,766 87
		<hr/>
		<u>\$198,000 00</u>

Ste. Marie Ship Canal Fund.

CREDIT.

1868.

Nov. 30.	By balance, Nov. 30th, 1867.....	\$52,145 68
	“ cash received during fiscal year....	14,449 67
		<hr/>
		<u>\$66,595 35</u>

Military Fund.

CREDIT.

1868.

Nov. 30.	By am't transferred from General Fund	\$24,674 25
		<hr/>
		<u>\$24,674 25</u>

Soldiers' Home Fund.

DEBIT.

1868.

Nov. 30. To warrants paid during fiscal year....	\$ 3,000 00
" balance.....	10,000 00
	<hr/>
	<u>\$13,000 00</u>

Soldiers' Relief Fund.

DEBIT.

1868.

Nov. 30. To balance.....	\$7,000 00
	<hr/>
	<u>\$7,000 00</u>

Contingent Fund.

DEBIT.

1868.

Nov. 30. To balance.....	\$392 35
	<hr/>
	<u>\$392 35</u>

Suspense Account.

DEBIT.

1868.

Nov. 30. To balance, Nov. 30th, 1867.....	\$40,904 79
	<hr/>
	<u>\$40,904 79</u>

Soldiers' Home Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$ 3,000 00
" am't transferred from Military Fund	10,000 00
	<hr/>
	<u>\$13,000 00</u>

Soldiers' Relief Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$7,000 00
	<hr/>
	<u>\$7,000. 00</u>

Contingent Fund.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$392 35
	<hr/>
	<u>\$392 35</u>

Suspense Account.

CREDIT.

1868.

Nov. 30. By cash received during fiscal year....	\$ 7,903 48
" balance.....	33,001 31
	<hr/>
	<u>\$40,904 79</u>

Treasury Notes.

DEBIT.

1868.

Nov. 30. To balance.....	\$730 00
	<hr/>
	<u>\$730 00</u>

Michigan Central Railroad Deposits.

DEBIT.

1868.

Nov. 30. To balance.....	\$1,947 02
	<hr/>
	<u>\$1,947 02</u>

Michigan Southern Railroad Deposits.

DEBIT.

1868.

Nov. 30. To balance.....	\$146 72
	<hr/>
	<u>\$146 72</u>

St. Joseph Valley Railroad Deposits.

DEBIT.

1868.

Nov. 30. To balance	\$55 00
	<hr/>
	<u>\$55 00</u>

Treasury Notes.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$730 00
	<hr/>
	<u>\$730 00</u>

Michigan Central Railroad Deposits.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$1,947 02
	<hr/>
	<u>\$1,947 02</u>

Michigan Southern Railroad Deposits.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$146 72
	<hr/>
	<u>\$146 72</u>

St. Joseph Valley Railroad Deposits.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$55 00
	<hr/>
	<u>\$55 00</u>

Oakland and Ottawa Railroad Deposits.

DEBIT.

1868.

Nov. 30. To balance.....	\$8 58
	<hr/>
	\$8 58
	<hr/>

Lighthouse Deposit.

DEBIT.

1868.

Nov. 30. To balance.....	\$15 00
	<hr/>
	\$15 00
	<hr/>

Oakland and Ottawa Railroad Deposits.

CREDIT.

1868.

Nov. 30. By balance, Nov. 30th, 1867.....	\$8 58
	<hr/>
	\$8 58
	<hr/>

Lighthouse Deposit.

CREDIT.

1868.

Nov. 30. By cash received during fiscal year.....	\$15 00
	<hr/>
	\$15 00
	<hr/>

BANK STATEMENT.

*STATEMENT showing the condition of the Jackson City Bank,
at the close of business hours, Nov. 30th, 1868, as required by
the Banking Law of the State of Michigan:*

LIABILITIES.

Capital.....	\$100,000 00
Deposits.....	292,988 92
Due Bankers.....	1,687 00
Profit and Loss.....	20,350 49
	<u>\$415,026 41</u>

RESOURCES.

Michigan War Bonds.....	\$ 27,000 00
United States 5-20 Bonds.....	1,550 00
Loans and Discounts.....	280,224 68
Banking House, safe and fixtures.....	10,000 00
Revenue Stamps.....	1,010 85
Premiums paid.....	160 88
Due from Banks and Bankers.....	26,072 64
Legal Tenders, Bank Notes, and Frac'l Currency	66,807 80
Coin.....	961 60
Cash Items.....	1,237 96
	<u>\$415,026 41</u>

I, Benjamin Newkirk, Cashier of the Jackson City Bank, of Jackson, Mich., do solemnly swear that the above statement is true, to the best of my knowledge and belief.

BENJ. NEWKIRK, *Cashier.*

Subscribed and sworn to before me, this ninth day of December, 1868.

GILBERT R. BYRNE,
Notary Public.

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